B. R. AMBEDKAR

The Politics of Emancipation



Dr. B. R. Ambedkar

Birth: 14, April 1891 Death: 6, December 1956

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A. M. RAJASEKHARIAH, M.A., Ph.D.

Reader in Political Science, Karnatak University Dharwar



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To

My Parents

Who Showed the Way

Preface

FOR OVER FOUR decades, preceding the transfer of power, the Indian political scene was stormed by several leaders and illustrious personalities. Dr. B R. Ambedkar was one of those who played a crucial role in the amelioration of the down-trodden people of India. His political activities and his fight for the constitutional rights—not only of the oppressed but of every Indian—need to be evaluated in the wider politico-historical perspective. However, there has been no systematic and dispassionate study of his political activities and the significance of his participation in the public life of the country. It is the firm belief of this writer that there is much scope for studying the monumental work and thoughts of Dr. B. R. Ambedkar. To academicians, any study of Dr. B R. Ambedkar is of particular interest, as he was a keen and perceptive thinker who drew upon his intellectual capacities to find solutions to the vexed socio-political problems of his times. In fine, Ambedkar was a great thinker, emancipator and a constitutionalist of eminence, who emerged on the political scene of India, in the first instance, as a minority leader and ended up by making a positive and effective contribution to the political life of the country during the most turbulent period (1930-1950). One cannot miss his dual contribution to Indian politics and society in his constant emphasis upon political revitalization and social regeneration. This frame of reference should make this

of Ambedkar's role in the constitution-making is an important part of the discussion in the thesis

I am glad that the Sindhu Publications Private Ltd., Bombay, have come forward to bring out this valuable publication. I congratulate the author who has displayed scholarship and analytical faculty in analyzing Dr B R Ambedkar's role in Indian politics.

I am sure the readers will have a clear insight into the working of Ambedkar's mind on different issues.

Dharwar
1 *October* 1970

G S HALAPPA, M.A. (Col)
Professor and Head
Dept. of Political Science
Karnatak University, Dharwar-3

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CHAPTER 1

The Road to Leadership

BHIMRAO RAMJI AMBEDKAR is a name familiar to all students of Indian Politics and Constitution. He emerged on the Indian political scene primarily as a minority leader, and while putting up a stout defence for *the rights and privileges of the minorities* in India, he was actually participating in the political life of the country, in a remarkable way, during a very decisive period in the struggle for Indian independence. Dr. B. R. Ambedkar was a brilliant academician, a popular attorney, an erudite scholar, a great legal luminary, a powerful writer, journalist, a great constitutional 'pundit', emancipator and champion of the rights and liberties of the dumb, down-trodden and oppressed people, from whose very ranks he sprang. But all these attainments seemed to be inadequate to wipe out the stigma of 'untouchability' that was attached to the caste into which he was born. Nevertheless, it was his privilege to be ranked as one of the top dozen great Indians of the century. No less a person than Mahatma Gandhi, with whom Ambedkar had acute politi-

cal differences and had crossed swords often, wrote of Ambedkar as follows:

> "...a man who has carved out for himself a unique position in society. Whatever label he wears in future, Dr. Ambedkar is not the man to allow himself to be forgotten."[1]

This neatly sums up the personality of Dr. Ambedkar. His courage of conviction and sense of purpose are the keys to an understanding of his philosophy. He was made up of such strong fibre that he would not yield to any pressures for the sake of mere personal platitudes. He was never willing to compromise his principles for personal glory. His resentment for such 'compromise' is very much vocal in a letter of reply to the organisers of *Jat-Pat-Todak Mandal* (an organisation to break caste and casteism) of Lahore, who had requested him to revise the script of his Address to their Annual Conference as its President-designate, to suit them. He wrote back saying:

> ".. I also would prefer to have the Conference cancelled —I do not like to use vague terms—if the Mandal insisted upon having my address pruned to suit its circumstances You may not like my decision But I cannot give up, for the sake of the honour of presiding over the Conference, the liberty which every President must have . "[2]

Such was the courage of conviction for which Dr. Ambedkar was known throughout his public life for nearly three decades. But it was rather unfortunate that he was very often misunderstood rather than being understood properly and appreciated. In his own words, in his undelivered Address to the *Jat-Pat-Todak Mandal*, he said.

> "...these views are the views of a man who has been no tool of power, no flatter of greatness They come from one, almost the whole of whose public exertion has been a continuous shower of calumny and abuse from national journals and national leaders for no other reason except that I refuse to join with them in performing the miracle —I will not say trick—of liberating the oppressed with the gold of the tyrant and raising the poor with the cash of the rich...."[3]

But he was not the man to be discouraged by such depressing situations. Undaunted by the abuses and the calumny that was poured on this stout champion of the down-trodden, he stuck to his guns and did not hesitate to leave the fold of Hindu religion in protest against the injustices meted out to a section of that very religion. He went on with his writings and other activities in the cause of the 'Untouchables'. Such men are not born everywhere and always. They are often the products of the social, religious and political environment into which they are born. It is essential, therefore, to make a brief survey of the social set-up into which Dr. Ambedkar was born, with a view to understanding and appreciating his writings on, and his role in the political and constitutional evolution of India.

Traditional Social Set-up

The advent of the British rule in India opened up a new chapter in our history. It heralded the birth of modern India. As a result of the revolution it brought about in the field of transport, communication, education, law and a number of other fields of Indian life, coupled with political subjugation of the Indians to the British, the spark of Indian nationalism was set off. Indian nationalism, it cannot be denied, is essentially a modern phenomenon. The impact of the West, in the form of the British rule, on India was mainly responsible for generating a sense of nationalism among the Indians. But this task was not by any means a simple one. The Indian society at the time of the advent of the British rule was a plural society. It was medieval, feudalistic, and caste-ridden without a strong and unified political and economic base. The vastness of its territory, inhabited by a huge population, speaking languages of bewildering multiplicity and professing different religions, posed a real challenge to any ruler. The British inherited all these complexities and set themselves out to rule the country with minimal changes in its composition and characteristics. Such an outlook on their part was understandable, as their main objective, to start with, was to hold a complete sway over the land and its people They were primarily conquerors and rulers, and not reformers. They had to consolidate their gains in India, once they conquered considerable portions of her territory. In their case, conquest and consolidation went hand in hand. The

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Hindu religion. This character of assimilability can be considered as a *point of strength*, but in actual effect Hinduism became loose and flabby on account of this phenomenon. Moreover, the Hindu religion never allied itself with the State. It remained politically neutral. It never became subservient to either alien or indigenous despotism. Hinduism has survived a number of Empires and Emperors.

A close study of the Hindu society would reveal that caste forms the inner citadel of Hinduism. It was 'the steel frame of Hinduism'. The outstanding features of Hindu society are: (1) Segmental division of society, (2) Hierarchy; (3) Restrictions of feeding and social intercourse; (4) Civil and religious disabilities and privileges of the different sections; (5) Lack of unrestricted choice of occupation, and (6) Restrictions on marriage.[4]

In view of these features the Hindu society has been a stratified social organisation in which caste dominates. Caste is not a new phenomenon, but is as old as India itself. The Hindu society embraces social categories which are expressed in the form of castes. The Hindu social organisation is based on the stratification of the society into four classes or *varnas*. (1) the *Brahman;* (2) the *Kshatriya,* (3) the *Vaisya,* and (4) the *Shudra*

This four-fold division of the society is described by Manu, the ancient Hindu law-giver, as the *Chaturvarnya* system of social organisation. His *Varnashrama* arrangement recognises the principle of division of work based on birth as the basis of social organisation. In other words, a man's avocation, and hence his social and economic status, is determined by his birth alone. This principle of social organisation assumes that one is born into one or the other of these four strata as he is born into a family. According to this doctrine, a Hindu has to be born and remain in a caste essentially. Or else, he is not reckoned a Hindu. The individual, therefore, will not have any option or choice of his for a particular trade or profession. Such an arrangement was upheld by Mahatma Gandhi as "an ideal system conceived for the highest good of society."[5] Gandhiji, in accepting the four-fold division, was simply accepting the laws of Nature, taking for granted what is inherent in human nature and the Law of Heredity.[6]

The *Chaturvarnya* system prescribes that one will have to take to the profession, whatever it is, of his forebears. A *Brahmin*, who forms the top class of this social hierarchy, was to specialise in learning and teaching. A *Kshatriya* was to specialise in wielding arms and render protection. A *Vaisya* was to confine himself to commercial avocation; while the *Shudra*, the lowest in the hierarchy, was condemned to only manual labour involving inferior work and service to the superior classes. The *Shudra* could not think of getting education for his children as it was the monopoly of the *Brahmin*; he could not take to arms and provide leadership as it was the duty of the *Kshatriya*; and he could not own property as it was supposed to be of no use for him The *Shudra* was only to render bodily labour and hence condemned to a position of servitude for ever.

Besides these four castes, there was another group of persons who have come to be described as 'Untouchables'. They are also often referred to as '*Antyajas*', '*Pariahs*', '*Atishudras*', and, in the modern context, as 'Depressed Classes' and 'Scheduled Castes'. These people were the outcastes and, as such, were socially ostracized As the lowest strata in the society, the Untouchable formed the fifth varna or the 'fifth caste'. He was assigned a position much worse than that of the *Shudras*. Their hereditary occupation was street-sweeping, scavenging, shoe-making, tanning etc. More fortunate among them could think of tilling the soil, only as tenants. They dared not even dream of owning a patch of land The Untouchables were not entitled even to some of the bare necessities of life, let alone education and such other luxuries

They were born as Untouchables, they lived and died as Untouchables. There was never a hope of redemption for these unfortunate millions. Bhimrao Ramji Ambedkar was born into one of these poor and unfortunate families of Untouchable *Mahars* hailing from Ratnagiri District of the erstwhile Bombay province, on April 14, 1891.

Untouchables in India do not constitute a single homogeneous group As if to copy caste, they seemed to have stratified themselves into various classifications. It is estimated that there are as many as 429 communities[7] among the Untouchables. *Mahars* are but one of these 429 communities that constitute over 50 million Untouchables of India.[8] *Mahars* are the most

numerous of all groups of Untouchables in Maharashtra. As any other untouchable community, the *Mahars* were also a deprived section without social and economic justice. They were a socially degraded and economically exploited class. As Mr. R. V. Russell describes it:

> "In the Maratha country a Mahar, one of the Untouchables, might not spit on the road lest a pure-caste Hindu should be polluted by touching it with his foot, but had to carry an earthen pot, hung from his neck, in which to spit. Further, he had to drag a thorny branch with him to wipe out his footprints and to lie at a distance prostrate on the ground if a Brahmin passed by, so that his foul shadow might not defile the holy Brahmin."[9]

They were, in short, to use Mr. Nehru's language, 'naked, starving, crushed, and utterly miserable'. B. R. Ambedkar was born into such a society which was full of such inhuman conditions and practices, without any sense of justice to all classes. Of course, with the growth of industrial complexes and urban communities the rigidities of caste are disappearing, though very slowly and gradually. The mass modes of travel, restaurants, theatres and social necessities of a cosmopolitan society are bound to bring people of different castes and sub-castes into direct physical contacts. This, however, should not be mistaken. The caste has not vanished. In spite of the measures taken during the British rule and after Independence, one finds casteism playing its own important role in more fundamental fields including politics. It has assumed new dimensions under changed circumstances.

The Man and His Mission: Early Years

A reference is already made to the principle of hereditary skill that formed a part of the *Chaturvarnya* system. With the principle of hereditary skill as the guiding factor, a born Untouchable like Ambedkar was not entitled for education, as it was not his avocation at all to become educated and use his learning in the service of the society. It was not his sphere of activity at all. If this principle were to be applied strictly, he would have remained as one of the many unfortunate of his brethren, and today one would not have heard of an erudite

scholar, a constitutional lawyer of eminence and, above all, a great social reformer and humanist that was Dr. B R. Ambedkar.

But fortunately destiny had it otherwise. It so happened that his father Ramji Maloji Sakpal was a Subedar-Major in the Army, attached to the 2nd Grenadiers It may be noted here that during the British rule a considerable section of the fighting forces was drawn from among the Untouchables till the Government Order of 1892 on the subject, that banned the recruitment of the *Mahars* in the Army. Till then education was compulsory for the children of the military servants. Here was the opportunity for Ramji Sakpal to give education to his children. But he retired from service when Bhimrao R. Ambedkar was hardly 2 years old Still Ramji was not deterred from his resolve to educate his children, and under grave hardships and handicaps put his son Bhim into the village school of Dapoli and later moved to Satara town It is here that Ambedkar, even as a young boy, had the first painful experience of the stigma that was attached to his caste He was not allowed to sit inside the classroom along with other boys He had to sit outside the classroom and teachers would not touch him or his books as they believed it would defile their person He went to Bombay City for his Secondary education, by which time he had attained better proficiency in English language under the tutorship of his father The boy was lucky in going to the Elphinstone High School, a leading institution then Here also the stigma of casteism was reigning supreme It is said, according to S N Shivatarkar, that some of his teachers went to the extent of discouraging Ambedkar from continuing his studies. It seems Ambedkar, with a sense of self-confidence and courage, asked them to mind their business [10] While in school Ambedkar could not take Sanskrit for his study, though he very much liked to, as it was a sacrilege for a Shudra, and that too for an Untouchable, to even hear, much less to learn, Sanskrit, which was the key to the *Vedas*. So he was forced to take Persian, much against his will. But he did learn Sanskrit on his own. Against all odds and handicaps he passed his Matriculation examination, which was an achievement in itself for an Untouchable lad.

In spite of financial difficulties, Bhimrao entered the Elphinstone College in Bombay City for his higher studies, which he could complete because of a scholarship of Rs. 25/- per month

given by the Maharaja Sayaji Rao Gaekwad and, as always, because of the determined and unfailing efforts of his dutiful father. Besides, he was also very much encouraged and helped by his Professor, one Mr. Muller who used to lend him books and give him clothes After graduation in the year 1912, he joined as a Lieutenant in the Baroda State Forces, in the service of his benefactor. He had served hardly for 15 days when he had to return to Bombay as his father was seriously ill. Ramji Sakpal, a man rich in character and poor in wealth, passed away on February 2, 1913, leaving his son 'behind to fight the battle of life and break the world to his ways'.[11]

A Voyage of Learning

By this time Ambedkar was already married to Ramabai, a girl of 9 years at the time of marriage. Ambedkar was burning with the desire for prosecuting his higher studies, which was a difficult task indeed. Sayaji Rao Gaekwad, the ruler of Baroda, once again came to his help at this juncture. Ambedkar was one of the four students selected by the ruler for a scholarship for higher studies in the U. S A. Here was an unique opportunity for an Untouchable to go to the West and strive to add to the depth and dimensions of his knowledge and vision.

He went, in right earnest, to the Columbia University in New York in the year 1913 where, "under the stimulating influence of the University's greats—John Dewey, Charles Beard, Boas, Seligman, Monroe and others, he became absorbed in ancient and modern history, anthropology, sociology, psychology and economics and signed up course after course. When he finished, he had more than double the number of credits usually required for his Degree "[12] Of all the Professors in the University, Dr. Ambedkar was influenced much by John Dewey. It is said that "He took down every word the great teacher uttered in his hearing, for four years. 'If Dewey died', Ambedkar used to tell his classmates, 'I could reproduce every lecture verbatim'."[13] Ambedkar obtained his Master's degree in the year 1915 for his thesis "Ancient Indian Commerce", and later the degree of Doctor of Philosophy for his thesis "The Evolution of Provincial Finance in British India", which was an amplification of his earlier thesis "National Dividend in India—A Historic and Analytical Study".

After completing his studies so creditably in the United States of America, Ambedkar moved to London in July, 1916 to continue his intellectual persuits there. At this juncture Lala Lajpatrai, who was in America, tried to persuade Ambedkar to enter the freedom movement in India. But Ambedkar realised that it was not yet time for him to do so, as he was still a student. He joined the London School of Economics and Political Science, where he registered for his D.Sc., degree in Economics under the guidance of Prof. Edwin Cannan; and at the Gray's Inn for Law But he had to return to India in the year 1917, as the Scholarship given to him by the ruler of Gaekwad terminated. With permission to return to London within four years, he came back to India, full of liberal ideas but with a sense of disappointment as he could not complete his work in London. Nevertheless, he had determined to go back to London as early as possible

On his return to his motherland he went to Baroda, the State of his benefactor, to fulfil the terms of the agreement to serve the State for ten years. He was appointed as the Military Secretary to the Ruler, to begin with. Even a well-accomplished Untouchable like Ambedkar could not escape the piercing claws of casteism. In his own country he was once again subjected to insulting and humiliating treatment, while he was treated as a 'man' with due respect and dignity abroad. The treatment meted out to the Military Secretary of the Ruler was appalling He was not served even by the office boys and could not get drinking water. Files were hurled at him from a distance, as he was a despicable *Mahar*! He could not get a place to stay at, as all hotels were closed to untouchables. He was turned out by force, when he entered a Parsi inn, incognito. As he himself recollected later on, as he "was tired, hungry and fagged out, he sat under a tree and burst into a flood of tears", spending the whole night without shelter.[14]

He represented to the Ruler the difficulties he was facing. The Dewan of the State, who was asked to look into the matter, told the Ruler that nothing could be done, as admitting an untouchable *Mahar* into the Society on equal terms would enrage the caste-Hindus. Even a Ruler with such progressive views as the Ruler of Gaekwad, could not help with a roof an individual like B. R. Ambedkar—a man of great learning and high acade-

mic attainments—just because he was an Untouchable! He returned to Bombay, grieved and frustrated. He experienced the pangs of untouchability with deep pain and anguish. If such is the fate of a person like himself, what could be the fate of millions of his brethren, who did not have the attainments he had? No wonder, this was a great challenge to Ambedkar, who had returned from abroad imbued with the progressive views of the West. He had himself seen the treatment meted out to the Negroes in America and had also learnt of the efforts made to eradicate that evil practice there. He had appreciated the Fourteenth Amendment to the Constitution of the U.S A. Ambedkar was also very much impressed by the life and work of Booker T. Washington of Tuskegee (U. S. A.)—"One of the most remarkable men America has produced, a man born in slavery but lifted by his own vision ad perseverance to a position of leadership and power. The son of a slave woman, Booker T. Washington struggled to acquire an education for himself, then dedicated his life to educating others. His is a story of almost unbelievable devotion and selflessness, an inspiration to people all over the world as long as men recognize the value of courage and human dignity."[15] How could Ambedkar escape the influence of such a silent revolution that was brought about by Booker T. Washington, about whom he had learnt so much while in America?[16] The arrogance and inhuman treatment of the caste-Hindus towards the millions of Untouchables of India, naturally, left an indelible mark on the enlightened mind of Ambedkar. No wonder, he was determined throughout his life, in whatever he did, to eradicate Untouchability. It had almost become an obsession with him. He made a quiet but firm resolve to fight this evil, tooth and nail. That was to be the 'MISSION' of his life.

Ambedkar, with a spirit of dedication to the cause of the Untouchables, was looking around for guidance in his task. But his immediate problem was to settle down in life, so that he could earn his livelihood and also save the money required to fulfil his earlier resolve to complete his studies in London. He thought, by doing so his hands would be doubly strengthened to fight out untouchability more effectively. He started a firm to advise dealers in Stocks and Shares at Bombay. In the beginning, the practice was encouraging but once again his

being an Untouchable came in the way. When the customers came to know that he was an Untouchable they avoided his firm. Later on, with the help of Lord Sydenham, former Governor of Bombay, he was able to get a job in Sydenham College of Commerce as Professor of Political Economy, which he accepted on a temporary basis, as he wanted to be free to return to London He left for London in July, 1920 to continue his studies, and he worked in the London Museum from dawn to dusk. He got his M Sc degree in June 1921 for his thesis *Provincial Decentralisation of Imperial Finance in British India.* In October 1922 he completed his famous thesis *The Problem of the Rupee* and submitted it to the London University. He was called to the Bar at the same time. Ambedkar proceeded from London to Germany to seek admission to the Bonn University But he was called back to London by Prof. Edwin Cannan to revise his thesis without affecting the conclusions, which he submitted later on from Bombay in April 1923, for which he was awarded the D.Sc. degree.

Poor Man's Barrister

On his return home this time, Ambedkar had no doubt whatsoever in his mind as to his future plans He had already resolved to fight tooth and nail the battle against Untouchability. He settled down as a Barrister in Bombay City, which, he thought, would give him the means to live and provide the necessary freedom to dedicate himself to the cause of the Untouchables, of whom he formed the brightest part Being an Untouchable he could not flourish in the legal profession He was called the 'poor man's barrister'. Of course, he was not the man to be discouraged by such things, as he was having complete confidence in his abilities

At this juncture, the Indian National Congress was trying to associate itself with the cause of the Depressed Classes. The Depressed Classes also held some Conferences to represent their grievances to the Government. But Ambedkar, on a close study of the situation, grew sceptical about the movement started by the caste-Hindus for the uplift of the Untouchables. He was convinced, beyond doubt, that only an Untouchable can feel the pangs of agony experienced by his fellowmen; and they can be emancipated only by self-help. It was an

happy augury for the Untouchables' cause that they were getting a leader springing from among their own ranks, who was determined to dedicate himself to their service, and was equipped with abundant scholastic learning. He had the courage and also an incisive mind, which were so essential for the purpose. The Untouchables were also becoming conscious of their deplorable position in the society. Though they were conscious of their indignities, they were unable to see a way out of the situation The social mores and religious customs had, so to say, together conspired to make them accept their lot with a religious resignation. There was none in the offing to awaken their consciousness to their rights and just demands on the society to which they belonged. It, therefore, needed a leader who could spearhead a 'crusade' for them, and this Dr. Ambedkar amply provided. He had not only to awaken them to a new consciousness of human rights, but had to generate new hopes in his down-trodden people. This process was, in reality something in the nature of political education, not only for his own community but for the entire Hindu Society.

Assumes Leadership

Dr. Ambedkar launched his struggle against Untouchability in July, 1924 when he founded the *Bahishkrit Hitakarini Sabha* (Council for the Welfare of the Outcastes) in Bombay as an organisation for carrying out the social revolution of his vision. Thus emerged a social revolutionary, springing from among the Untouchables themselves. He regarded their woes as his personal humiliations and, therefore, he had a vow to make self-respecting citizens out of those virtual slaves. He thought it his mission to enrich the nation's strength, health, wealth, honour and culture by relieving the fifty millions of dumb Untouchables In this endeavour, he avoided in the beginning, open clash and encounter with the British Government; as he thought, it would be inviting another enemy for the cause. So he decided, very prudently of course, to co-operate with the British government in so far as such co-operation would enable him to secure the rights to his people. This, not in the least, was to conflict with his patriotic fervour as he did not hesitate to lash back at the British government whenever it was necessary. He was known for his frank and forthright

criticisms. Even as a Member of Mr. Nehru's Cabinet in Independent India, later on, he was counted as one among the very few of the critics of Mr. Nehru from within the Cabinet. Vincent Sheean writes:

> "When I think of the critics (of Mr. Nehru) I am most constantly reminded of the late Dr B. R. Ambedkar who was Minister of Law from 1947 to 1951. Ambedkar was an Untouchable—aggressively so and perhaps for this reason, perhaps by temperament, was an inveterate critic of all Indian Society."[17]

So the critic in Ambedkar was never found wanting. As Sheean writes further,

> "His diatribes were a healthy corrective, just the same, and there was always something in what he said no matter how much he exaggerated Few Cabinet Ministers I have ever seen could distribute such tongue lashing to his own associates."[18]

Whether it was in the Bombay Legislature,[19] or the Round Table Conference,[20] or the Viceroy's Executive Council,[21] or the Constituent Assembly,[22] or in the Interim Government,[23] or in the Parliament of Independent India,[24] he kept the cause of the Untouchables uppermost in his mind His position and participation in one or the other of these bodies amounted to his co-operating, earlier with the British, and later with the Indian National Congress after Independence. He was always prepared to extend his hand of co-operation, while he was also not hesitant to withdraw it when such co-operation was found unhelpful to the cause. In all such situations he would take a decision, which used to be characteristically his own. His individuality was something unique. Speaking about this quality of his, Mr Sheean writes:

> "It is a form of genius to be so individual, and it is not much use explaining it by untouchability—I have known a fair number of other Untouchables, but nobody at all like Ambedkar."[25]

It is true that his revolt against the Hindu society was volcanic. He was cyclonic by temperament. But it is also equally true that

he was sincere in going to the root cause of the evil. He was, perhaps, very much influenced by the philosophy of Edmund Burke; and at the same time was aware of the philosophy of the *Bhagavad Gita* when he said 'Truly speaking the law should be non-violence wherever possible; violence wherever necessary.' He had in him also the sobriety required for the purpose. He did not become maliciously bitter over the fact that a section of the Hindu society was forever condemned by the other sections to lead a life of degradation. No doubt, he had to experience the flings and arrows of an outrageous fortune that had destined him to be born an Untouchable. His make-up was, nevertheless, different because he did not agree that the dispensation of Heaven could be so unreasonable as to condemn so inexorably the Untouchable. He was, therefore, looking out or searching, not for the immediate cause which was sociological, but for the roots in the deeper layer of the Hindu minds. Hence, he was in total engagement throughout his life with the social phenomena, as a humanist who charitably looked for what made true humanity. These were later to figure in all his endeavours. This could not have been the case, had he narrowed himself by his embittered attitude, even though that is understandable, to merely castigate the caste system and its seamy side.

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[3] *Ibid*, p. 81.

[4] G. S Ghurye, *Caste and Class in India*, 1957, Ch I

[5] M K. Gandhi (Ed), *Young India*, November 5, 1925.

[6] *Ibid*, January 21, 1926

[7] According to the Schedule attached to the *Order-in-Council issued* under the Government of India Act, 1935

[8] According to the Census of India of 1951, there are 51.7 millions of Untouchables

[9] Quoted in *Caste and Class in India*, by G. S. Ghurye, 1957, p. 11.

[10] *The Janata* (Weekly), April 14, 1934.

[11] Dhananjay Keer, *Dr. Ambedkar—Life and Mission*, p. 21.

[12] "Ambedkar the Untouchable"—an article by Blake Clark in *Christian Herald*, 1950, and in a condensed form in the *Readers Digest*, March 1950, under the caption "The Victory of an Untouchable".

[13] *Ibid.*

[14] Ambedkar's speech, *The Janata* (Weekly), May 23, 1936, quoted by D. Keer, *Dr. Ambedkar—Life and Mission*, p. 34.

[15] Booker T. Washington, *Up From Slavery*, Bantam Path Finder Edition, New York, 1963.

[16] Booker T. Washington died on November 14, 1915.

[17] Vincent Sheean, *Nehru—The Years of Power*, 1960, p. 234.

[18] *Ibid.*, p. 235.

[19] Ambedkar was nominated to the Bombay Legislative Council in the year 1926, and later on he was elected to the Bombay Provincial Legislative Assembly from Bombay in the 1937 Elections. He retained this position till 1942.

[20] He was invited to participate in all the three Round Table Conferences (1930-32) wherein he represented the Depressed Classes along with Rao Bahadur R. Srinivasan. He worked on the Minorities, the Provincial and the Federal structure sub-committees of the RTCs.

[21] Ambedkar was appointed Member of the Viceroy's Executive Council (expanded) on 2nd July 1942, in which he held the Labour portfolio till June, 1946.

[22] In terms of the June 3 Plan of 1946, he was elected to the Constituent Assembly of India—first from Bengal and then from Bombay. He was Member of the Advisory Committee of the Consembly on Minority Rights, and Chairman of the Drafting Committee.

[23] He was appointed in the Interim Cabinet of Jawaharlal Nehru and held the portfolio of Law, and resigned from the Cabinet on October 11, 1951.

[24] He was defeated twice in the Elections to the House of the People in 1952 and 1954. But was elected to one of the 17 seats from the Bombay Legislature to the Council of States in March, 1952.

[25] Vincent Sheean, *op. cit.*, p. 235.

CHAPTER 2

The Impact of the West and the Cultural Encounter

DR. AMBEDKAR'S volcanic revolt against Hinduism and the Hindu social organisation was not the first trenchant attack. There have been, from time to time in our history, virile movements against Hinduism, such as Buddhism, Jainism, Veerashaivism etc., led by Buddha, Mahavira, Basava and other social revolutionaries respectively. In modern times, ever since the advent of the British, it had once again to come under the strident criticism of Christian teaching and culture. As Mr. K. P. S. Menon puts it:

> "The missionaries of that monotheistic religion (Christianity), looking at the surface of Hinduism, scoffed at its (Hinduism's) polytheistic character. They also pointed their finger of scorn at the inhumane, and even inhuman, practices which had taken refuge under Hinduism." To this "Hinduism reacted with vigour but also with humility. It searched its own heart and a purifying movement began. Indeed, it may be said that 19th century saw in India, a reformation, comparable in its essence though not in

its violence, to the Reformation in Europe in the 16th century."[1]

The spearhead of this reformation in India was Rajaram Mohan Roy; while, men like Dayanand Saraswati and Swami Vivekananda continued the work of bringing about a social change in the Hindu Society. "In the first half of the nineteenth century alone, the recovery of Hinduism had been initiated by Rajaram Mohan Roy, who, with his great learning and clear understanding of the factors that had thrown Indian society into the slough of despond, realised the need for radical social reform, and founded the Brahmo Samaj with the object of rooting out the evil traditions and practices which had exposed Indian society to ridicule."[2] The work of the Arya Samaj, Brahmo Samaj and the Ramakrishna Mission was responsible for bringing about some marginal reforms such as the removal of the practice of the *Suttee* and the abolition of widow disabilities. A number of enactments such as the Civil Marriage Act, the Widow Re-Marriage Act, and the Age of Consent Act etc., owed their inspiration to these nineteenth century movements for social reform. Such social reform measures could bring about a reform in the Hindu Family, and not a social reform "in the sense of the reorganization and reconstruction of the Hindu Society," which relates to the abolition of the Caste system itself.[3]

These efforts left the core of the traditional beliefs practically intact The reformist movements, therefore, remained essentially as fringe-movements, while the main philosophy based on the cardinal Hindu beliefs remained yet to be brought under withering criticism for social change One such problem was that of Untouchability Till after Indian Independence it remained a problem of problems, as the Hindu community was watching without much concern the existence of millions of human beings, who were regarded as Untouchables, nay even unapproachables. It was with this problem that Ambedkar was devotedly involved throughout his life. He was very much inspired and guided by the noble example set by one of his own men—Mahatma Jotiba Fule The impression and the impact of Jotiba's personality and endeavour is evident from the following words which Ambedkar inscribed, dedicating his work

(Ambedkar's) *Who Were the Shudras? How they came to be the Fourth Varna in the Indo-Aryan Society?* to the memory of Mahatma Jotiba Fule. The dedication runs thus:

> "Inscribed to the Memory of Jotiba Fule (1827-1890). The Greatest Shudra of Modern India who made the lower classes of Hindus conscious of the slavery to the higher classes and who preached the gospel that for India social democracy was more vital than independence from foreign rule."[4]

Jotiba Fule was no more there to guide Ambedkar. Nevertheless, his example had an indelible imprint on the mind of Ambedkar. He was determined to complete the work started by Jotiba and, no wonder, it became his life's mission.

Social change had to be brought about in India for two reasons at least: (1) The British made only such changes as were expedient in order to neutralise the criticism of the values inherent in the newly invading foreign culture. This was, no doubt, a negative attitude. (2) The Indian leaders also recognised the vitality inherent in the working of this new Western philosophy and, therefore, realised that unless some sort of new adjustments were made in the national approach to vital issues *vis-à-vis* the Western civilization, India's own growth as a nation will be retarded and politically isolated. This positive approach, in fact, was to pay useful dividends in the progress of modern India. These considerations were influencing the national leaders in India.

One of the outstanding ways in which the virility of the Western impact was manifest, was in the approach to education. Though education in those days was narrow and of a limited compass, calculated only to manufacture a number of Indian substitutes for the English 'quill-drivers' in the Company Service, yet even according to Macaulay's 'Minute on Education,' it was possible to envisage the new spirit of liberalism in the teaching of English and its salutary effects in the life of the nation in the future. As an historian of the Indian freedom movement looks at the effects of Western education: "Indians imbibed with avidity the high thoughts and aspirations of Western poets, philosophers and political thinkers; and saw to their dismay how these same people, as rulers, thought it fair

and proper to drain India of its wealth and resources, and to keep them in political subjection in order to prevent them from offering an effective opposition ... The education which was given to the people created a class of intellectuals, who clearly saw the intentions behind the platitudinous assertions of the British rulers."[5]

The British, however, in their role as rulers were not naturally predisposed to exercise their minds unduly on the question of social reform. "They were particularly conservative in their social policy. . Great Britain did not want to repeat Portugal's mistake and interfere with religion and customs of the people. The result of this attitude was that many evil customs became stereotyped and flourished under the garb of Hinduism"[6] The British were principally concerned with the question of maintenance of law and order, and of tracking such social evils which were, in the main, social injustices that might disturb peace and order. In the main, their attitude as administrators was one of neutralism, which they believed was justly expected of them, if they had to dispense equity amongst the various cultural ethnic groups that made the Indian pluralistic society. To the British "such things as untouchability and caste had flourished in India from time immemorial and would continue to exist. It was no use trying to remove them. Indeed, in the eyes of the diehards, the existence of such abuses formed an excellent excuse for the indefinite continuance of British rule in India"[7] But such an attitude could not be maintained for long It may also have been, it is suspected, due to (1) their innate fear that they might be suspected of bringing Christianity through the flag; (2) of getting involved in local religious wrangles which might negative their political influence; and (3) their pre-occupation for entrenching their political power which would be considerably offset by inviting the hostility of Hindu religious leaders, if they began to tinker with social reforms, especially as they were based on religious sanctions.

Dr Ambedkar referred to this attitude of the British Government in India, while speaking at the Plenary Session of the First Round Table Conference and accused the Government of utter negligence of the problem of social change in general, and of Untouchability in particular. He observed:

"the British Government has accepted the social arrangements as it found them, and has preserved them faithfully .... Our wrongs have remained as open sores and they have not been righted, although 150 years of British rule have rolled away.... The British Government in India suffers from two very serious limitations. There is first of all an internal limitation...which prevents them from appreciating the living forces operating in our society, makes them indifferent and inimical to its aspirations, and apathetic to our education It is not because they cannot help us in these things but because it is against their character, motives and interests to do so. The second consideration that limits its authority is the mortal fear it has of external resistance."[8]

The net effect of such an attitude of neutralism on the part of the British was disastrous. As testified to by Mr. H. N. Brailsford:

"None the less, our official policy was then, as now, to interfere as little as possible with Indian institutions: it tolerated social customs injurious to health, notably child marriage, and accepted even untouchability as an immutable fact in an environment it dared not alter. Our courts, as time went on, took to administering Hindu law with an almost antiquarian fidelity. The result of this attitude was unquestionably to stereotype the past in a land that never has discarded it with ease"[9]

Freezing Conservatism and Social Change

There was no effective public opinion in the country which would express the public conscience or the mind on an issue such as this. There was also a very dim hope of public consciousness—however blatant an injustice that blistered the body-politic. It was partly due to the lack of public awareness of the evils. The lacunae in social thinking, which were so perceptible to any foreigner were easily passed by, by the Indian society, largely because of the positive illiteracy and inadequacy of the media of public opinion. Furthermore, the only organization which could have effectively combatted this evil was that nascent political organization—the Indian National Congress—which was naturally pre-occupied with the question of the freedom of the country from alien domination. Moreover, the Congress itself suffered from many internal squabbles

over its programmes, policy and leadership. In such a situation the question of the Untouchables was considered to be a mere peripheral issue which, after all, was only something that concerned the Hindu society, and to be solved within its own reach The enormity of the problem and its deep implications trenching on national interest, perhaps, remained for the champion of the cause of the Untouchables—Ambedkar, to bring to the fore. It is surprising that for quite some time Congress had not seriously exercised its mind over this issue and had believed, on the other hand, that some concessions by way of accommodation shown to the Untouchable might remove the edge of offense Nevertheless, it was duly realised in time, that such an approach would be unduly simplifying the issue. It is quite clear that it was because such an attitude on the part of the Congress was patent that Ambedkar had to assume a position, too critical of the stance taken by the Congress. He also believed, that by doing so he would be discharging a duty towards his own people. He also strongly felt that by espousing their cause, he would be truly doing a profound service to the nation itself. Evidence of these convictions on his part can be seen in all the Conferences and deliberations where this matter came up. It is only then that we would be truly appreciating the stature of the man, not only as a politician but as a visionary, a national leader and an humanist Hence it would not be proper to limit his image, merely to that of a leader of a minority section of the Hindu society only, but should be displayed on a much larger canvass.

The Lone Struggle

Dr. Ambedkar's battle had to be arduous and exacting in the extreme. While the Congress claimed to speak for the entire Hindu society that was India, it was naturally awkward for Ambedkar to press his case for the Untouchables with the British. He had also to expose all the enormities of injustice and wrongs, endured and suffered by his millions of Untouchables for ages, mutely. He could achieve his goal only by doing so. Such a process was bound to traduce the claims of the Congress directly, and also by implication, denigrate the Hindu faith before the alien rulers. This, however, at one stage or another became inevitable, when Dr. Ambedkar realised

that he was facing a problem which is deeply entrenched and would not yield to reasonable political negotiation, good faith or good will. It was at this stage that Mahatma Gandhi stepped-in, in a way which, perhaps, impressed the foreigner more than it did either the Harijans, or the Hindus. His claim to represent the HARIJANS—the sons of God, incidentally a name which was very much resented by the Harijans themselves, was seen in a purely political perspective, i.e., a calculated move to supersede Ambedkar's claim for leadership. Mahatma Gandhi thought that by lifting the entire issue to a spiritual plane, he could make a direct appeal to the Hindus easier. The ameliorative steps advocated by the Mahatma as the Temple Entry for the removal of Untouchability did not impress Ambedkar. No doubt, as Untouchability had the religious sanction according to the cannons of Hindu religion, a spiritual appeal was necessary. But a spiritual appeal without an appropriate social action, geared by political sanction would stand little chance of a stable survival. This was fully realised by Ambedkar. He was also fully aware that to achieve his goals, he should not only direct his appeal to the masses but also to the intelligentsia, who were largely led by the National Congress and formed the core of the national movement. His writings of the period such as: *Annihilation of Caste* (1936); *Mr. Gandhi and the Emancipation of the Untouchables* (1943); *Communal Deadlock and a Way to Solve It* (1945); *What Congress and Gandhi have Done to Untouchables* (1945); *Who Were the Shudras?* (1946); *States and Minorities* (1947); *The Untouchables—Who Were They? and Why They Became Untouchables* (1948)[10] etc, etc., besides a number of articles and monographs, fully support this view. These works of his were not only classics in their very nature and treatment, but contain an advocacy of the cause of the Untouchable in full dress. His writings bear an imprint of original thought and great scholarship. Speaking of the learning of Ambedkar, Mr. Vincent Sheean says:

> "His degrees were M.A., Ph.D., D.Sc., and LL.D. Degrees do not mean so much, perhaps, but in the torrential flood of his talk there came up great chunks and whirling *avatars* of learning. He may not have been the greatest of Sanskrit scholars but he could plaster a text with

dozens of references to early Hindu authorities."[11]

In his Preface to the Second Edition of the book *Annihilation of Caste* he says that he has tried to answer the criticisms of his views by Mr. Gandhi,

> "not because what he (Gandhiji) has said is so weighty as to deserve a reply, but because to many a Hindu he (Gandhiji) is an oracle, so great that when he opens his lips it is expected that the argument must close and no dog must bark. But the world owes much to rebels (like himself) who would dare to argue in the face of the pontiff and insist that he is not infallible. I do not care for the credit which every progressive society must give to its rebels I shall be satisfied if I make the Hindus realize that they are the sick men of India and that their sickness is causing danger to the health and happiness of other Indians"

This statement of his beautifully sums up the object he had in his writing thenceforward It should be said to his credit that he very much accomplished his objective i e, of opening the eyes of the caste-Hindus.

Accepts Office to Underwrite the Cause

The Government of India Act, 1935 was a great landmark in the history of the British administration of India. With this Act, a new orientation was brought about which envisaged active association of Indian leadership with the administration, particularly at the Provincial level. The Congress, as usual, suspected the sincerity of this move from Whitehall, as to whether the rulers, of their own volition would surrender any part of their power However, after much bargaining, largely due to the able management by the Viceroy, Lord Linlithgow, Congress was convinced of the bonafides of the British and accepted office in the Provinces. At the Centre the Indian representation came to be broad-based allowing for non-Congress Indian leaders such as Sir Arcot Ramaswami Mudaliar, and Dr Ambedkar, who were the British nominees. This, no doubt, was construed as an occasion for the Congress to deride Ambedkar as one, whose political posturing all along was calculated only to come by the loaves and fishes of office, and not really the cause which he proclaimed to espouse. We

should not be surprised at this. For, later they were once again to misconstrue Ambedkar's views regarding the realities on the issue of partitioning India. Whilst Congress was naturally inclined to apply detractors in order to bring down Ambedkar's image as the sole champion of the Untouchables, it must be said that Ambedkar was motivated, in accepting office, solely by the urges of the high purpose which he was consistently upholding. His position in the Centre as that of a Member for Labour, far from deviating from his constant concern for the Untouchables was, in his view, capable of obtaining more effective advantages for this excluded community. He must have realised that his post at the Centre would naturally give him a freer scope to explore all the possible avenues, through which he could ameliorate its lot. Further, he must have also realised that, as one vested with power, he could achieve better things for it by being within the Government than being without. This he had amply vindicated by his statements from time to time. On a later occasion, after the dawn of Independence, it was the same purposiveness which induced him to accept the invitation from Pandit Nehru to join the first Cabinet of free India. As evidence to this we come across his confidential Memorandum dated 29th October, 1942, addressed to the then Viceroy, demanding that the financial provision made available for educational and other ameliorative concessions extended to the Anglo-Indian community might also, perhaps with a better justification, be made available to this excluded and depressed community.[12] It is clear, therefore, that he considered it an opportunity to press for a favourable treatment for his community. Such an opportunity, he hoped, opened up for him because he held the high post as a Cabinet Minister. Besides this manifest demonstration through official channels in the cause of the Untouchable, it is well-known that whenever he went on official tours he unfailingly showed the same concern wherever and in whatever way he came into contact with the Untouchability problem. He did not find it necessary to burke this interest because of fear that it might not be strictly correct for a Cabinet Minister to overtly exhibit his sectional interest. His position as the Labour Member was of particular advantage for the cause In some ways this was perhaps, more pertinent because it was from the Untouchable

class that the labour force was largely recruited. Hence, it was sure to afford him many an opportunity to study at first hand and tackle this problem more effectively.

We notice Ambedkar, in his own apologia for accepting the office as Chairman of the Drafting Committee of the Constituent Assembly, unequivocally declare his clear purpose with which he accepted this office. He stated that he did so not because of vanity or because of his special acumen for such a task, but because he was activated by the sole motive that it would afford him an unique opportunity to serve the cause of the Untouchable in a significant manner. In other words, being a principal Draftsman of the Constitution, he had hoped that he could write the rights of the Untouchables into the Constitution, thereby expunging all the injustices and contumely the Untouchables had suffered all along. Despite his many detractors who had from time to time strove hard to decry his political purposiveness, none could ever aduce anything to show that he had strayed away from his dedicated cause. It might be true that the ways and means he had advocated or pursued might have appeared to them as mere political chicanery, unworthy of his stature. This we find to be baseless, because one has to realise that it is only, as Ambedkar remarked once, fools who are consistent in politics and real politics needs fresh judgment for tackling issues which alter as circumstances change. It might also be pointed out here, that whilst he remained constant and consistent in his purpose, he had expected others to be reasonable to his just demands. But when he found that they were shifty in their stand aiming only to discomfiture his approach and not to meet his arguments, he had no other course than to turn his armour, in order to meet them on their own ground.

Social Justice—the Goal

Such an approach on his part was quite evident, when Article 17 of the Constitution dealing with the abolition of untouchability was on the anvil. Ambedkar must have realised, from the trend of the proceedings, how hard and difficult it was to wrench justice from deeply entrenched political interests. He was striving his utmost to write JUSTICE in capital letters into the Constitution and, naturally, he must have been greatly dis-

mayed to realise how justice, as a ruling principle in the Hindu Polity, could only be in name and not in reality. The Aristotelian 'common good' as the basis for social order based on the idea of justice, he must have realised, could not be applied here with over fifty million Untouchables in economic and social shackles. As also a student of Plato, he must have realised how the exclusion of slaves and aliens in the Republic from the right of citizenship was to fester later that society. Ambedkar must have been deeply convinced that the denial of full rehabilitation of the Untouchable, vested with all the rights and privileges of full citizenship, would always leave an incurable wound in the Indian polity. Perhaps, when he became deeply convinced that the lofty principle of justice would never come to its own in this society, which has shown no inclination whatsoever to appreciate it fully because of its traditional inhibitions, he must have despaired of the cause of the Untouchable ever being redeemed. The situation was such that the caste-Hindu national leaders, while prepared to make concessions, were probably averse to anything that demanded a radical approach to this question. Perhaps, they feared that the repercussions might loosen the joists and cornices of the social edifice coming off loose, once the Untouchable became merged, without distinction, with the rest. Ambedkar must have sensed this and, perhaps, was driven to the conclusion that in pleading for his community, he had placed his finger on the sore spot. Hinduism minus the caste, it became clear, would become non-descript, insignificant and, perhaps, come off loose as a world religion. This prospect would no doubt be shattering to the national leaders from their point of view. They could not envisage a free India with Hinduism left debilitated which, they feared, might bring down the social edifice disastrously. They were prepared to acquiesce, therefore, in limited changes only, in so far as they left the Hindu society unaffected. It was not, Ambedkar must have realised, that they were blind to the force of his argument and appeal. They were deeply committed to stand by the tenets of their faith, without which they saw no future for their faith. They may have also been affected by the fear that any radical approach by the national leaders might result in estranging the Hindu masses from their leadership. In such a melieu Ambedkar is sure to have realised that

he could see no way out with the intransigent Hindu attitude being reconciled on the plank of justice with the cause of the Untouchable. Hence it was, more in despair than as a political ruse or expedient, that this great leader was compelled to quest for a faith which would promise a destiny—political, social and religious—for the Untouchable to realise his fulfilment as a person and human being. We are led to this belief, for, we find that although Ambedkar was commissioned with the drafting of the Constitution, he was hedged in by the terms of reference which were framed by the Congress leaders. It may be mentioned here that the 'Aims and Objectives Resolution', which was moved by Mr. Nehru in the Constituent Assembly, kept strictly the vested interest untouched although it proclaimed, in a broad way, to ensure the goals of social justice. It must have left Ambedkar somewhat cramped, as it could not have left much room to deploy his avowed cause to the extent that he wanted to. He acknowledges elsewhere as to the limitation under which he had to labour, but for which the Constitution would have taken a different shape. Some members of the Constituent Assembly themselves testified to this fact. Dr Punjabrao Deshmukh, while expressing his satisfaction over Ambedkar's excellent commentary on the Constitution, said that Ambedkar would have, perhaps shaped the Constitution differently, if he had the scope to do so. Another Member Mr. Sadulla, who was also a Member of the Drafting Committee, revealed that the Drafting Committee was not a free agent and was handicapped by various circumstances. Ambedkar had also observed the inappropriateness of applying the democratic principle of Western conception in a region, which is bereft of the roots of justice from which it draws its strength. Perhaps, it was with some justification that Ambedkar said: "Hinduism is bankrupt, there is in it nothing upon which to base a democracy. There is in it no sense of justice."[13]

It is in this context that Ambedkar was not sanguine in his hope that Congress, though it had succeeded in making the British quit India, might yet fail to build a democratic, strong and free India. He was, even because of this, assailed by the fear that the situation might open the floodgates of Communism *into India*.[14]

In view of the foregoing, are we not to suppose that our

preference for a Socialistic Pattern of Society and 'Secularism' was more to stave off the evil day of Communism rather than an innate desire to build up a 'Just Society'? Perhaps, Pandit Nehru being a farsighted statesman and being seized fully of the inherent defects in the political outlook in India, was questing for a political formula, which would help him build an equitable and just society by opting for a democratic socialism, which, at the same time, will be neutral to religious persuasions. This will naturally remove the affront of 'Caste', which constituted the main impediment for any programme for progress on democratic lines. No wonder, Pandit Nehru was tireless in his tirade against 'Casteism' in season and out, by which he was in fact assailing the tradition-bound aspects of Hinduism. It should not be a surprise that in doing so this great leader had incurred the wrath of the orthodox sections. The Hindu Mahasabha, the Rashtreeya Swayam Sevak Sangh and the Jan Sangh became vociferous in their criticism of Nehru's policy in this respect. It is also surmised that the evidences of a resurgent form of Hinduism came on the scene as a sequel to this. Their slogan that Hinduism was in danger was frequently heard. When this reactionary agitation gained momentum, it also included in its sweep violent criticism of the national leaders' approach to such other minorities as Muslims, Christians and others. Such a trend, in this context, leads to an oblique implication that these World Religions were a criticism of the Hindu faith in as much as they were casteless and spoke of human brotherhood. The reactionary elements, perhaps, rightly feared of their appeal to the Untouchables as well as weaken the hold of Hinduism on India. Viewed in this perspective, although nothing concrete had shaped out in the political nostrum of Pandit Nehru's democratic socialism by way of a social reform profitable to the Untouchables, politically it speaks volumes for his sagacity in a difficult political dilemma.

Twilight and Despair

Ambedkar stood unconvinced that a political solution, whatever may be the safeguards provided, was not going to bring his excluded community anywhere near the goal he had envisaged. He was very sad and a disillusioned man. This feel-

ing of disillusionment in the post-Constitution period was considerably aggravated, when his 'Hindu Code Bill' was practically shelved, in spite of Mr. Nehru's assurances to him. Thereafter, he had no alternative but to relinquish his post of the Law Member in the Central Cabinet and take his seat with the Opposition. His crucial decision to renounce his 'Faith' in Hinduism was to follow a few years hence. Subsequent story of his search for a satisfying 'faith' in Buddhism, Christianity or Islam for himself and his people is well-known. His cherished hopes that his political struggle would provide the much-needed leverage to set off a religious revolution for social justice, apparently, had only sparked off a religious revival of old fanaticism instead of a renewal of a chastened Hindu faith. Ambedkar naturally began to feel the clawing hand of frustration His zeal, nevertheless, persisted and hence he could not but turn to a spiritual answer for the problem, wherever he may find it.

In the course of over two decades of his public life, we see in Ambedkar a personality which would defy any description which narrows him to one aspect only. No doubt, he was an indefatigable champion of the cause of the Untouchable. But in espousing this 'lost cause' he made it the principal means to clean up the aegean stables of Indian politics which was steeped deeply in parochialism and too sterile and stagnant to yield to the demands of a progressive outlook, consistent with modern democracy. He viewed India as a free nation as against the canvass of free India in the world. He was rightly concerned that India could not play that role unless she first set her own house in order. Order pre-supposes that every citizen as well as every community and interest should get the right it deserves. Denial of such a right and discrimination would, to that extent, be a denial of right and, therefore, of justice It may not be wrong, when viewed in retrospect, that even Pandit Nehru's preference for the 'Socialistic Pattern of Society' and its politics derive from the insights and political urges of Ambedkar's vision, work and writing, among others.

The true stature of the man seems to emerge when viewed properly against the backdrop of the Indian political scene of his day. Indian politics, so to say, had yet to emerge into a definite pattern. Freedom struggle was, no doubt, the obvious expression of Indian nationalism which was still nascent and

had to look out for a fuller and more satisfying expression. To make nationalism a collective expression of a pluralistic society, with all its divergent interests pulling often in different directions, was a problem of such a magnitude as to try the mettle of our foremost leaders. Of course, the presence of an alien regime, served as a rallying point to merge the things which otherwise would make us disunited. But they, however, were to riddle the Indian scene with considerable mischief once the cause of our annoyance, namely the British, quit India. Even then many issues still remained unsolved and posed serious difficulties for our national leaders, who were eager to consolidate the fruits of freedom.

In such a context, there is always the temptation to play sage and look out for easy solvents at the least cost. Such an atmosphere would, naturally abound with much political opportunism and a pragmatic approach. In a parochial and tradition-bound society and all its concomitants considered together with the problem of reconciling the divergent interests into national purposes, naturally, would be both practical as well as opportune. In a situation like this, principles were often submerged or went by the board. Ambedkar, in contrast, stood by his principles and he would not be content with mere half-measures which were only temporary remedies. He insisted on going to the root of things, whereas the Congress appeared to be preoccupied with the symptoms rather than the true malady which lay deep down. Hence, his task was to apply incisive politics in order to expose the trouble spot and thus heal the gaping wound in the social fabric. A lone voice such as his, perhaps, was like that of a voice in the wilderness. Nevertheless, it has to be heard because he had touched a crying need, which could neither be muted nor muffled By championing the cause of the Untouchable, he seems to have vitalised the Indian approach to nationalism, which was suffering from deep-died parochialism and traditionalism. Through his unremitting onslaught on such politics, he liberated Indian politics from such a crippling outlook and introduced a true catholicity. In many ways our leaders could not but acknowledge the effects of this positive ingredient in their political approach both in the national as well as the international spheres. As witnesses to Ambedkar's catholicity in his politics, we notice how much

he had drawn from the Constitutions of the Western nations and wrote them into our own. By this token alone we unmistakably see how he had envisaged a great nation, that is, India or Bharat, playing a great role in the comity of nations.

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CHAPTER

3

Untouchables and the National Destiny

EARLY HISTORY of social institutions holds out instances of social distinctions and stratifications of different kinds and degrees. One comes across discriminatory treatment meted out to a class of people and, hence, treated as inferior or sometimes even as out-clannish. The different classes may have been formed on grounds of race, religion and such other factors. In India the problem of classes is seen primarily in the form of castes. According to John Gunther:

> "Caste is as old as India It is the inner citadel of Hinduism. It is the institution which makes India unique, the device breaking up Indians into fixed categories that has no approximation elsewhere in the world. 'Every Hindu... is born into a caste and his caste determines his religious, social, economic, domestic life from the cradle to the grave.' No man may leave his caste, except to be expelled. It is impossible to progress from caste to caste."[1]

So "Caste in India means an artificial chopping off of the population into fixed and definite units, each one prevented from fusing into another through the custom of endogamy."[2] The Hindu society, as pointed out earlier, is composed of four classes, which have come to be looked upon as the principle caste groups As the legend has it, the Brahmins rose from the mouth of Brahma—the creator; the Kshatriyas from his shoulders; the Vaishyas from his thighs and the Shudras from his feet. Such an explanation, though imaginary, indicates the relative positions of these castes. Each one of these principal caste-groups has been a 'self-enclosed unit', with a closed-door character about it. Such a character of these caste-groups could be explained only as a mechanistic arrangement, coupled with a psychological process. Since 'caste in the singular number is *an unreality' and 'castes exist only in the plural number'*, the Brahmans while making themselves into a caste created a non-Brahman caste.[3] Ambedkar elucidates this statement thus:

> "Castes are enclosed units and it is their conspiracy with clear conscience that compels the excommunicated to make themselves into a caste The logic of this obdurate circumstance is merciless, and it is in obedience to its force that some unfortunate groups find themselves enclosed, because others in enclosing themselves have closed them out, with the result new groups . . by a mechanical law are constantly being converted into castes to a bewildering multiplicity. . . ."[4]

He believes that in India classes have become castes through 'imitation' and 'excommunication'. The caste, thereby, is a parcelling of the society into bits, whose number may go on increasing They have also been taken as units that formed the basis in determining relations between the individuals belonging to a different group, with the accompanying social and economic ramifications. Among the several points of such relationship, the notion of 'pollution' that follows the 'touch' or 'physical contact' of a person of one group with that of the other is relevant to our purpose. This is clear from the *Manu Smriti*, the chief source for understanding some of the practices, which constitute an integral part of the Hindu caste arrangement. Manu, the ancient Hindu law-giver, must have merely codified the prevailing caste

system. The *Manu Smriti* refers to different kinds of 'defilements'. According to Manu, even the most normal and frequent occurrences in a family such as birth, death and menstruation and cohabitation were the chief sources of impurity.[5] To Manu, such pollution was not merely notional but was real. This idea of individual pollution in the Hindu belief is extended also to the territorial and communal pollution, for which purificatory remedies are also suggested, as in the case of individual pollution. Hence the origin of the idea that the very physical contact of a person, belonging to one's own group or even family, under certain defined circumstances would lead to pollution, which would, of course, be removed by adopting certain purificatory remedies. No wonder the Hindu society, with such practices and beliefs, at its base, developed in itself a more serious form of Untouchability in the course of its evolution. "It is the hereditary Untouchability of certain communities."[6]

The Untouchability of a number of communities within the Hindu religion is an unique institution without a parallel anywhere. The impurity that they have around them is something which cannot be remedied at all. It is of a permanent character. The caste-Hindus who become polluted by their touch can become pure by adopting purificatory prescriptions. But the Untouchables as such can never be made pure. According to this belief the Untouchables "are born impure, they are impure while they live, they die the death of the impure, and they give birth to children who are born with the stigma of Untouchability affixed to them. It is a case of permanent, hereditary stain which nothing can cleanse."[7]

This is in contrast to the form of Untouchability that was practised in the non-Hindu communities elsewhere, which was temporary and could be remedied. It was not hereditary and not a stigma that was inherited by succeeding generations. On the other hand, the Untouchability as practised by the Hindus, for centuries, has led to the virtual 'isolation' and 'segregation' of a large number of people of their own religion. The places where the Untouchables lived were cordoned off. They lived, not in the same places where the Hindus lived, but in those places meant for impure people like the Untouchables. Gradually it led to the creation of a 'ghetto' in each village. If the caste-Hindus lived in the village, the Untouchables lived in the ghetto. This meant

that the Untouchable carried the badge of inferior status forever, without any remission or redemption, either in this world or in the next.

Origin of Untouchability

It is necessary to examine the origin of this evil practice of Untouchability, briefly, if we are to assess its manifestations in *our national life To a student of sociology such practices* as are seen in the Hindu society pose a real challenge. Where can he find the answer to the question as to what made some people impure while some others were pure? The traditional explanation given by the *Shastras* is that those who are treated as Untouchables today were the *Antyajas*—those born or created last An *Antyaja* is naturally to be an *Antyavasin* So the *Shastras* put their abode outside the village. This was so according to the *Manu Smriti* also. Granting this theory to be true, it follows that it is the Shudra who is born last, whereas the Untouchable is outside the scheme of creation, accepted in the *Shastras*. The *Antyajas* were also *Avarnas*—those not belonging to any of the four *Varnas* or Castes. So the Shudra is a *Savarna* while the Untouchable is an *Avarna*, i.e , outside the *Varna* or the Caste system Ambedkar does not believe that they were born last. But they were the people who lived in the *Antya* or at the end of the village. Hence they were called *Antyajas* or *Antyavasins*. Those who were outside the four varnas of Manu would not live along *with the Savarna people, not even with the Shudras, as* Untouchables were called the *Atishudras*. This theory presupposes that certain people were born Untouchables Such a belief receives its sanction from the Hindu tenets of *'Karma'*. *'Karma'* is a divine process ordained as a means by which a man can expiate for his commission and omission in the previous birth and so qualify himself to be born in a better status in the next life. This belief seems to obscure conveniently the principle of social justice in the here and now, and safely relegates it to the responsibility of the 'Divine Dispenser'. Whatever station or status to which a man is born, is so because it is according to the divine ordination. Hence the *Varnas* were fixtures and so was the outcaste. This precluded any mobility from one caste to the one above or even a total merger or diffusion of all castes into one. This is actually a throw-back of the earlier tribal beliefs. If there is a large

section of people left out of the arrangement of Manu, it is to be concluded that these Untouchables came to be treated as such only at a later stage, and they must have been once a part of the *Varnas* themselves. *It is pointed out that the issues of the* sexual union between a Shudra male with a Brahmin female become *Chandalas*—the impure class of the early period. As such an union violated the prescribed *varna* system, such issues were kept outside the *varna* They were the degraded ones and hence Unapproachable and Untouchable. However, the explanation given by the *Shastras* is neither scientific nor convincing. It is really a contradiction in terms, for, in the process of excluding one section of people from the recognised four varnas, one additional non-caste caste was created. It is, therefore, illogical to describe them as outside the pale.

Ambedkar has his own study of the problem and comes to certain conclusions of his own, which are completely original, although it may seem novel or even speculative to others. Obviously, he does not accept the explanation of the *Shastras* on the point. He has examined this problem with a view to explaining the origin of Untouchability among the Hindus in his work *The Untouchables—Who were They and why They became Untouchables?* The book also deals with such connected problems, as why the Untouchables lived outside the village, why beef-eating gave rise to Untouchability, etc.

Ambedkar was completely conscious of the paucity of historical evidence to establish his theory, as there were many missing links in the history of mankind, particularly in regard to the social institutions. What should an investigator do when he is confronted with the problem of the missing links?—and there are quite a number of such missing links in Indian history—as testified to by Mount Stuart Elphinstone.[8] *In such situations*, instead of holding up the work, Ambedkar believed, it is permissible for him to use his imagination and intuition to bridge the gaps left in the chain of facts by links not yet discovered; and to propound a working hypothesis suggesting facts, which cannot be connected by known facts. "I must admit", says Ambedkar, "that rather than hold up the work, I *have preferred* to resort to this means to get over the difficulty created by the missing links which have come in my way."[9] His arguments, however, seem to be warranted by plausibility.

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The 'Broken Men'

To Ambedkar, origin of Untouchability is to be found in the primitive tribal society, somewhere in the process of the Hindu society passing from the nomadic life to the life of a settled village community. It appears to him that while some groups had settled down with ownership of land in preference to nomadic life, there were yet others who were still nomads. The settled tribes founded the village community, which was in constant *danger of attack from the nomads. In other to protect themselves* against such attacks, the settled communities had to hire people who could do the duty of watch and ward. Those persons, who had not settled down, were the *Broken Men* according to Ambedkar. They were 'broken' away from their tribe, which was a serious thing in itself. For, in the primitive society every individual "belonged to a tribe Nay, he must belong to the tribe Outside the tribe no individual had any existence. He could have none. Secondly, tribal organization being based on common blood and common kinship an individual born in one tribe could not join another tribe and become a member of it *The Broken Men* had, therefore, to live as stray individuals . "[10] It is these 'stray individuals'—the *Broken Men*—who were in need of food and shelter, that were hired by the village communities to render them protection. In return for this service, the *Broken Men* got food and shelter from the village They were made to live outside the village and not inside for two reasons. According to Ambedkar they lived outside the village, because:

1. "According to the primitive notions only persons of the same tribe, i e. of the same blood, could live together. An alien could not be admitted inside the area occupied by the homesteads belonging to the tribe. The *Broken Men* were aliens . . .
2. "From the strategic point of view also it was desirable that these *Broken Men* should live on the border of the village so as to meet the raids of the hostile tribes "[11]

These *Broken Men* were not a peculiarity in India alone. They were found in other countries also, with varying degrees of disabilities. According to Ambedkar in Ireland and Wales, for example, there were such men that lived outside the villages. They were called the *Fuidhirs* and *Alltudes* respectively. But in other

countries these 'separate quarters' of the *Broken Men* disappeared gradually; whereas in India they did not, though they could have. In India the differences between the 'kindred and 'non-kindred', 'tribesmen' and 'non-tribesmen' was perpetuated with greater emphasis and in a new form *Touchables and Untouchables*. "It is this new factor which", according to Ambedkar, "prevented amalgamation taking place in the way in which it took place in Ireland and Wales, with the result that the system of separate quarters has become a perpetual and a permanent feature of the Indian village."[12] The *Broken Men*, therefore, gradually became Untouchables in India.

While discussing the origin of Untouchability in India, two important circumstances are referred to usually. They are, the 'Race' and 'Occupation', as done by Mr. Stanley Rice, for example.[13] Ambedkar is not prepared to accept them as valid He believes that in the first place, the Untouchables are not different racially from the Aryans or the Dravidians in view of the explanations based on the science of anthropometry and ethnology of India. Secondly, he thinks that they have not come to be treated as Untouchables, just because they performed filthy jobs. He depends upon the verses of *Narada Smriti*, and on the statements made in the *Mitakshara* of *Vijnaneswara* wherein impure works, including scavenging, were assigned to the slaves. Any person, not necessarily a Shudra alone, could be a slave then. Slavery could be, of course, "in the descending order of the *Varnas* and not in the ascending order." On the basis of these evidences Ambedkar asks: "If scavenging was not loathsome to an Aryan how can it be said that engaging in filthy occupations was the cause of Untouchability. The theory of filthy occupation as an explanation of Untouchability is, therefore, not tenable".[14] The undertaking of filthy occupations by the Untouchables and the attendant uncleanliness, became just a pretext for those who were engaged in cleaner and superior jobs to treat them as Untouchables. So they were not the source of Untouchability but only the consequence.

On the contrary, Ambedkar holds that the origin of Untouchability lies in: (*a*) contempt for Buddhism, and (*b*) *contempt* for beef-eating persons among the Hindus It seems, the *Broken Men* were Buddhists, and on this score they were not liked by the Brahmins, and the *Broken Men* also hated the Brahmins in

turn. As to beef-eating, the *Broken Men* continued to be eaters of meat including beef, when, in the course of a long evolution, the Brahmins and the non-Brahmins, who were also eaters of meat including beef, gave up eating it. This radical change in the food habits of the Brahmins and the non-Brahmins—excluding the *Broken Men*—was a part of the strategy adopted by these classes to establish their superiority over the Buddhists, who were also eating meat and beef then. The Brahmins "did not want to put themselves merely on the same footing in the eyes of the public as the Buddhist Bhikshus."[15] So the only way for the Brahmins to beat the Buddhists was to go a step further and become *vegetarians*. They not only gave up beef-eating, but made the cow a sacred animal and, therefore, according to Ambedkar, "the worship of the cow is the result of the struggle between Buddhism and Brahminism. It was a means adopted by the Brahmins to regain their lost position."[16]

But the *Broken Men* continued to be beef-eaters. It was not only necessary for their living, but also it was a part of their obligation to remove, and a right to get for themselves the dead cows from the Brahmins They were, therefore, not killing a cow but were eating the dead cow which, of course, was in complete conformity with the rule of *Ahimsa* So they were allowed to continue to eat beef, which made them guilty of sacrilege in view of the fact the cow had come to be looked upon by Brahmins as a sacred animal, whether dead or living As beef-eaters, the *Broken Men*, came to be treated as impure, and hence Untouchables

Ambedkar also ventured to fix the approximate date for the origin of Untouchability—in the form it came to be practised later on—a complicated task indeed. It is a difficult task because as a social evil, besides being a religious discrimination and "a sort of social nausea of one group against another group"—it must have taken a long time to come into being On an examination of the *Manu Smriti* and the travelogues of Fah-Hian and Yuan Chwang, the Chinese travellers who came to India, Ambedkar roughly fixes the date of the origin of Untouchability in India at about 400 A.D., which must be a very rough approximation. He emphatically holds that "It (Untouchability) is born out of the struggle for supremacy between Buddhism and Brahminism which has so completely moulded the history of India

and the study of which is so woefully neglected by students of Indian history."[17]

The following are the main conclusions he draws on the origin of Untouchability, as a result of his research into our history:

"(1) There is no racial difference between the Hindus and the *Untouchables*;
"(2) The distinction between the Hindus and Untouchables in its original form, before the advent of untouchability, was the distinction between *Tribesmen* and *Broken Men* from alien Tribes. It is the *Broken Men* who subsequently came to be treated as Untouchables;
"(3) Just as untouchability has no racial basis so also has it no occupational basis;
"(4) There are two roots from which untouchability has sprung:
  (*a*) Contempt and hatred of the *Broken Men* as of Buddhists by the Brahmins;
  (*b*) Continuation of beef-eating by the *Broken Men* after it had been given up by others;
"(5) In searching for the origin of Untouchability care must be taken to distinguish the Untouchables from the Impure. All orthodox Hindu writers have identified the Impure with the Untouchables. This is an error. Untouchables are distinct from the Impure;
"(6) While the Impure as a class came into existence at the time of the Dharma Sutras the Untouchables came into being much later than 400 A.D"[18]

However, it is surprising that the argument for food-habit, left over by the so-called caste-Hindu, should constitute the ground for the practice of Untouchability. It does not supply a convincing answer and justification for the practice of Untouchability. Although this might have been a fact and a contributory reason, we may still have to probe deeper for the real reason. This seems to stem essentially from the philosophy of the early Aryan and his view of the nature of man. A rigid social structure with the accepted four *varnas having been first established and sanctified* duly by religion and safeguarded also by deterrent sanctions for any breach, they had to stabilise these divisions by certain prohibitive practices ·We know there were prescriptive punishments, wherever and whenever the accepted cast-code was violated or breached. But for the religious sanctions against such infractions

of the code, the perpetuation of the stratified society would never have been possible. Vested interests of the Caste must have played a prominent part in this scheme. If such was not the case, we could not have understood the genesis of the caste called *Chandala*. *Chandala*, as we know, originated as a subsidiary group, outside the pale of caste comprising those who were the offspring of prohibited union of a Brahmin woman and a Shudra man. Even the natural act of cohabitation between the two could constitute a serious breach of the social code. But what emerges from this is, that it is not just the personal habits of food, sex, etc., which together built up these prohibitions of caste. Vested interests of the caste-Hindus certainly were the prime motives, which had to be protected at any cost, even if it meant that a whole section of people were to be treated as less than humans. Hence, having segregated one section of people as beyond the pale, for the reasons given by Ambedkar, they had perforce to find a religious ground to justify such a segregation. Further, impurity and pollution are not as a rule terms associated with secular ideas and profane practices. They definitely belong to the sacred or religious domain The very fact that a contact with a so-called Untouchable was sufficient ground for pollution or impurity confirms this. We, therefore, have to presume that the *raison d'être* of the Untouchable has to be sought in the religion and philosophy as to the nature and view of man. It is only the force of religion which could give permanence to a social habit for, no social custom or practice can be immutable. They constantly undergo changes. By building up a more scientific explanation to the origin of Untouchability and by pointing out that it has no racial basis, Ambedkar tried to convince those who had *objections for its abolition on such grounds. He argued that* Untouchability as a social practice could be completely eradicated, once this point was understood by its opponents Hence the significance and value of his study and thoughts on the origin of Untouchability.

Untouchability—A Religious Taboo

Untouchability was a disability of a religious nature, and not just or solely a social aberration. Religion was fully impressed to support and justify this practice. This is further clear when we view it against the principle of *Dharma*. *Dharma* was essen-

tially a religiuos doctrine, translated into social action. It is the social action or conduct or a way of life by which the individual works out his salvation and destiny in society. The concept of *Dharma* implies the principle of *Justice* mediated equally to all men in a community, because it predicates that God is 'Just', and that all men are equal in His eyes. Because it is so, it had to be qualified by *Chaturvarnya*, or else there would be no justification for the practice of Untouchability. Even now, with all deference to Mahatma Gandhi, the definition of *Varnashrama* with its acceptance of stratified society and at the same time seeking a reconciliation with social justice, remains an unconvincing exercise in logic.

It is much simpler to call a spade a spade. This is a further evidence that Untouchability could be explained only within a religious framework. It was, therefore, necessary for the Mahatma to label the community as 'HARIJANS' or 'Children of God', although in the manner of speaking he has only added to the already stratified society by one more caste, namely, the Harijans Gandhiji's point of view was to make the Untouchables touchable i.e., to create a new fifth caste, perhaps. One more proof of this is that, although Untouchability is forbidden by Article 17 of the Constitution of India, why does it still persist? Legal prohibitions cannot easily wipe out religious taboos. If it were a mere social evil or aberration, a legal prohibition could have been the remedy, as even otherwise they die a natural death under the impact of social changes brought about by environment, circumstances etc. This contention is further supported by L. F. Rush Brook Williams when he says:

> "Yet the caste system is so deep-rooted, so adaptable and so bound up with the Hindu outlook on life that it is unlikely to disappear quickly—especially if Untouchability, the aspect on which it has been most vulnerable to attack, steadily yields to liberal ideas backed by legal sanctions"[1]

It is usual for the Indian leaders to point out to the *aparthied* as practised by the West in South Africa, as if it was a justification for Untouchability in India. But the aparthied was a social phenomenon for political reasons, whereas Untouchability is on a different ground. It "is Jimcrowism on a fantastic scale", as John Gunther describes it. When we consider the sudden up-

surge of the interest of the Depressed Classes, as expressed through their spokesman Dr. Ambedkar so vocally in the post-Independence years, it is clear that on the lines of the World Religions such as Christianity and Islam, Ambedkar must have realised that the issue was truly religious, and hence the remedy had to be sought only in a religion. Christianity and Islam teach the 'brotherhood of man and equality of all men before God'. It was this principle of equality for the Untouchables that Ambedkar was striving at, all his life, and he should have been sadly disillusioned that it still remained a far cry, in spite of writing it into the Constitution, of which he was the principal architect. No wonder, he began to survey and scrutinise, which faith, consistent with the Indian political set-up would provide the way of '*fulfilment*' for the Untouchable. His natural choice was Buddhism—a faith which arose not only as a reformist movement from within the Hindu society but as a strident criticism of the Hindu religion and society.

In this context it may be worth while speculating fruitfully on Ambedkar's contention that the *Broken Men* were Buddhists in those early times. Did they also, in the manner that we have been discussing, seek accommodation in the Buddhist faith finding desperately that they were up against a blank wall as long as they clung to Hinduism?

Emancipation of the Untouchables. Upgrading or Uplifting?—the two Approaches

The Hindu religion and its teachings are amenable to be understood in different ways at different levels of understanding. It is mainly due to the fact that for the Hindus, religion is a matter of personal faith allowing individual practices. It has remained a matter of personal faith. It has no set of dogmas, no orthodox or accepted tradition. For example, in its Vedanta form it stresses human equality and unity of all mankind. But, on the other hand, popular Hinduism clings passionately to caste. It can speak of renunciation in one breath, as if things of this real world such as property etc. should not be pursued, being a hindrance to following the faith devoutly. But in actuality, property and power are also pursued relentlessly for profit and gain by the same devout Hindus. Hence in the very nature of the faith, there seems to inhere many contradictions, which make it

difficult always to take even public utterances by prominent Hindu leaders at their face value. There always seems to be a good deal of mental reservation, same as the proverbial iceberg with one-seventh of its proportion only being visible above the surface. It is, therefore, difficult to apply any definite standard to understand political judgments of some of them, since they are largely conditioned by religious beliefs with all their inner contradictions. This must have been pretty obvious to Ambedkar, for he must have experienced how hard it was to deal with them since they were inconsistent in their approach to this issue every time it was posed. Political formulae formed and crystallised according to Western pattern on definite lines were, of course, quite intelligible to Ambedkar. But here he was encountering a new situation, which would not conform to well-recognised political tenets, for the simple reason that any political order or organisation for the Indian society has to take note of, not a cohesive society but a divisive and fragmental one, capable of straining even the astute political thinker.

Unity and cohesion in such a society for building up an overarching just political society in such a context was, of course, unthinkable. Freedom, as a principle of empowering the different sections, would neither be equal nor uniform, especially with the outcaste, who was already burdened by disabilities of a religious nature Therefore, the Hindu leaders, realising this inner contradiction, were only prepared for limited concessions to the Untouchable, in so far as it would still maintain the traditional society. They were activated, there is reason to believe, by the bogey that once caste was disturbed, they would be shattering the bed-rock of Hinduism. Herein we see how Ambedkar and the Indian National Congress were at cross-purposes in their approach.

The Hindu society within limits, despite its caste sections, had achieved a workable cohesion in so far as the secondary castes had accepted the hegemony or the primacy of the Brahmin, from which was derived the status of others. But it was, perhaps rightly feared, that the intrusion of the Untouchable would be so revolutionary as to shake the old faith to its very foundation. They would, no doubt, accept that politics was the instrument to work out Justice by equipping all sections with equal freedom. But a society which from times immemorial had denied freedom

prepared to consider it as fundamental to national politics. Ambedkar was convinced, beyond doubt, that the interests of his men cannot be safe, if they were to be considered only as a religious caste-group. So he took the earliest opportunity to demand their recognition as a distinct political minority, in the political life of the country, entitled to safeguards in any constitutional arrangement. He insisted that they should be given political safeguards as to the Muslims In a Memorandum he submitted to the Indian Statutory Commisison on 29th May 1928, on behalf of the *Bahushkrit Hitakarini Sabha* (Depressed Classes Institute) of Bombay, he laid down his views on the theory of minority representation, vital for an open society. He said in it:

> "Many people in the world have fallen low by force of circumstances. But having fallen they are free to rise. The Depressed Classes, on the other hand, form a solitary case of a people who have remained fallen because their rise is opposed to the religious notions of the majority of their countrymen."

In the circumstances the police power of the State could come to their rescue. Since that was not available to them, the only way to enable them to rise was to give them adequate 'protection by way of special safeguards'.

The Memorandum submitted by Ambedkar was a brilliant thesis on the theory of minority protection in general, and of the Depressed Classes in particular. Unlike the Congress, the Depressed Classes did not choose the path of war and hostility to the Statutory Commission. They were not agitated over the non-inclusion of Indians on the Commission. It was a blessing in disguise for them, as they were saved from the possible prejudices of the Indian Members against their cause. The Memorandum drew the attention of the Commission to the provisions in the Montagu-Chelmsford Report (paras 151 to 153), and the Muddiman Committee Report (para 64), which had recognised the need for safeguarding the interests of the Depressed Classes. Ambedkar pointed out that the number of seats in the Legislatures should be increased. While fixing the number of seats for any community, he suggested,

> ". . . the strength of the community cannot be taken as the sole factor. . . . The standing of a community is no less

> an important factor to be taken into account in determining its quota of representation. The standing of the community must mean its power to protect itself in the social struggle. That power would obviously depend upon the educational and economic status of that community. . . . The representation of a minority, if it is to protect the minority, must also be effective. If not, it would be a farce . . . the effectiveness of a minority representation depends upon its being large enough to have the sense of not being entirely overwhelmed."

The Depressed Classes were entitled to invoke this principle in their favour as other minorities in the country. Ambedkar was totally opposed to giving protection in terms of the political importance of a minority, as laid down in the Report of the Southborough Committee. Such an 'invidious distinction was at the root of all the communal troubles and is destructive of the principle of equal representation', he said.

Having provided the criteria for an adequate and effective representation for a minority, he also examined the mode of representation, which would be by election and never by nomination. For, "Election is not only correct in principle from the standpoint of responsible Government, but is also necessary in practice from the standpoint of political education. . . ." The principle of election cannot be denied to the Depressed Classes on grounds of imaginary difficulties, such as framing constituencies and getting an adequate electorate. There should not be difficulties at all; when there could be asymmetrical constituencies for the Muslims and others, why not for the Depressed Classes? If 'franchise means the right to determine the terms of associated life', as it should mean, "then it follows that it should be given to those who by reason of their weak power of bargaining are exposed to the risk of having the terms of associated life fixed by superior forces in a manner unfavourable to them . "

The system of election that was demanded by Ambedkar was in general constituencies with reserved seats for the Depressed Classes He also demanded guaranteeing of certain rights to the Depressed Classes in the form of educational, political and other rights Representative Government cannot do away with the necessity of such guarantees to protect the interests of the minorities. This had the support of political philosophers like J. S. Mill. It

was also recognised that the introduction of representative government, wtihout a system of guarantees for minorities, would be a dangerous experiment, as illustrated by post-War history of Europe. The Memorandum said:

> "the peace treaties between the allied powers and Czechoslovakia, Austria, Hungary, Rumania and the Polish-German convention relating to Upper Silesia with their guarantee clauses for the benefit of the minorities bear eloquent testimony to the fact that the minorities cannot depend upon the representative form of Government but must seek protection in the form of guarantees of their rights."

Ambedkar posed the most fundamental question in this connection when he asked:

> "If representative Government is so weak when operating among European peoples, where the secularisation of politics has gone far further, how much weaker must it be in India where politics is nothing but theology in action. It is this theology against which the Depressed Classes must seek to be protected. . . . "

He also drew attention to a Note by the Hon'ble Sir Alexander Cardew to the Government of India, contained in the letter No. 1146 (Reforms) dated 31st December, 1918, in which Sir Cardew said:

> ". . . Surely, the first essential of any scheme of reform is that adequate safeguard should be provided for the good government of the inarticulate masses of population. . . ."

The Memorandum by Ambedkar concluded with this appeal:

> "Nothing can allay such fears as the system of guarantees can do. Government is based upon faith and not reason. If the Depressed Classes can have no faith in the new Constitution (of 1919) it is statesmanship to buy that faith if it can be done so with the concession of guarantees herein demanded."[20]

In his maiden speech at the Plenary Meeting of the First Round Table Conference, Ambedkar declared:

> "The depressed classes form a group by themselves . . . and although they are included among the Hindus, they in no sense form an integral part of that community. . . . It is one which is midway between that of the serf and the slave, and which may, for convenience, be called servile—with this difference, that the serf and the slave were permitted to have physical contact, from which the depressed classes are debarred. What is worse is that this enforced servility and bar to human intercourse, . . . involves not merely the possibility of discrimination in public life, but works out as a positive denial of all equality of opportunity and the denial of those most elementary of civic rights on which all human existence depends. I am sure that the point of view of such a community as large as the population of England or France, and so heavily handicapped in the struggle for existence, cannot but have some bearing on the right sort of solution of the political problem, and I am anxious that this Conference should be placed in possession of that point of view at the very start."[21]

Ambedkar vehemently refuted the claim made that the problem of depressed classes is a social problem and not a political problem. So its solution lies elsewhere than in politics. He said:

> . . . the problem of the depressed classes is, I submit, eminently a political problem and must be treated as such . . . I think it would be just and proper for us to insist that the best guarantee for the settlement of our problem is the adjustment of the political machine itself so as to give us a hold on it, and not the will of those who are contriving to be left in unfettered control of that machine. . . . Depressed by the Government, suppressed by the Hindu and disregarded by the Muslim, we are left in a most intolerable position of utter helplessness to which I am sure there is no parallel and to which I was bound to call attention.[22]

Ambedkar was pleading vehemently for a due share in the political power of the country for the depressed classes through separate and special representation.

The Congress and the Untouchables

Moreover, the record of the Congress Party's approach to the problem and performance made Ambedkar feel sceptical of the Congress policy. It is a well-known fact that the Indian National

Congress, in the beginning, was looked upon by the British as a body for social reform and was encouraged as such. But the Congress on its part refused to restrict itself to such a limited field of activity. As Mr. W. C. Bonnerjee, the President for the Annual Session of the Congress of 1892, declared:

> "...Others more timid still would allow social problems to solve themselves...the Congress commenced and has since remained, and will, I sincerely trust, always remain as a purely political organization devoting its energies to political matters and political matters only."

Such an emphatic assertion for the Congress was understandable as a counter to the moves of the British Government to keep the Indian National Congress as a social reform platform exclusively. But it is also indicative of its reluctance to take up social reform work. By Poona Session of 1895 the "Congress had become a purely political body with no interest and no concern in the removal or mitigation of social wrongs."[23] It was customary to hold a separate session for social reform immediately after the Congress in the same pandal. Even this was objected to by the 'political radicals and social tories' like Tilak and others in the Congress, who threatened to burn the pandal if allowed to be used by the Social Conference. In a letter to Mr. Ranade, Mr. Surendranath Banerjee wrote:

> The *raison d'être* for excluding social questions from our deliberations is that were we to take up such questions it might lead to serious differences ultimately culminating in a schism, and it is a matter of the first importance that we should prevent a split....[24]

In view of this, it was incumbent upon those pro-social-reformists in the Congress not to press for it, further.

But strangely enough, the Indian National Congress passed a Resolution at its Calcutta Session of 1917 under the Presidentship of Mrs. Annie Besant. The Resolution urged upon "the people of India the necessity, justice and righteousness of removing all disabilities imposed by custom upon the Depressed Classes, the disabilities being of a most vexatious and oppressive character, subjecting those classes to considerable hardship and inconvenience." Such a sympathy was expressed by the Congress

to the cause of the Depressed Classes suddenly, because the Congress was anxious to enlist the support of these people to the Congress-League Scheme of 1916 (The Lucknow Pact). The Depressed Classes, along with the other non-brahmins, had refused their support to the Pact. But the Congress was anxious to give the character of a 'National Plan' to the Pact. Hence the motive behind the Resolution of 1917 was clearly 'political'.

The next important phase in the handling of the problem of Untouchables by the Congress was 'the Bardoli Programme' of February 1922, in which a reference was made to the Depressed Classes The Bardoli Programme was intended "to organize the Depressed Classes for a better life, to improve their social, mental and moral conditions, to induce them to send their children to national schools and to provide for them the ordinary facilities which the other citizens enjoy."

This programme of constructive activity of the Congress was inspired by Gandhiji, who had established himself as the leader and the guiding force of the Congress Party. In pursuance to this resolution, a sub-committee of the Congress was set up "to formulate a scheme embodying practical measures to be adopted for bettering the conditions of the so-called untouchables throughout the country. . . ." A sum of Rs. 2 lakhs was set as the target for collection, for this work. Later on it was raised to Rs. 5 lakhs Swami Shraddanandji who was the convener of the committee had to resign later due to differences of opinion. Though there was Rs. 1 crore and Rs. 30 lakhs in the *Tilak Swaraj Fund*, only Rs. 2 lakhs were set apart for the work. Out of this paltry amount, considering the magnitude of the problem, only Rs 43,381 were actually appropriated for the removal of Untouchability In the light of these facts "would it be wrong to say," asks Ambedkar, "that the Bardoli resolution was a fraud in so far as it related to the Untouchables?"[25] On the other hand, Gandhiji was himself writing in his paper, stressing the important and intimate relation between the winning of Swaraj and the abolition of untouchability,[26] which he reiterated in the Second Round Table Conference. As if this was not enough the Congress passed a resolution at its working committee meeting of May 1923 at Bombay, entrusting the work of social amelioration of the Untouchables to the Hindu Mahasabha—a body which "is quite unfit for addressing itself to the problem of the

Untouchables.... It is a militant Hindu organization...whose main object and aim are to combat the influence of the Muslims in Indian politics.... The Congress thus washed its hands off the problem of the Untouchables. How can the Congress, which was not out for the abolition of untouchability, and which had accepted the policy of separate schools and separate wells, as supported by Mrs. Annie Besant in her article, "The Uplift of the Depressed Classes", in the *Indian Review*, February 1909, be entrusted with such work?

Mahatma Gandhi, while participating in the deliberations of the Federal Structure and Minorities Sub-Committee of the Second Round Table Conference, took a position that was completely opposed to that of Ambedkar. Speaking in the Minorities Sub-Committee, Mahatma Gandhi explained his position on the question of special representation to Untouchables thus:

> ...I am opposed to their special representation, I am convinced that it can do them no good, and may do much harm; but the Congress is wedded to adult franchise. Therefore, millions of them can be placed on the Voters' Roll. It is impossible to conceive that, with Untouchability fast disappearing, nominees of these voters can be boycotted by the others; but what these people need more than election to the Legislatures is protection from social and religious persecution....I should, therefore, have the most drastic legislation rendering criminal all the special persecutions to which these fellow-countrymen of mine are subjected by the so-called superior classes. Thank God, the conscience of Hindus has been stirred, and untouchability will soon be a relic of our sinful past.[27]

It was inevitable therefore, in such a political morass, to seek for political remedies. Ambedkar feared an intractable Hindu society would not yield to social remedies.

In this task Ambedkar was in reality fighting a battle on two fronts. The Indian National Congress with its encrusted and unyielding stand on the one side; and on the other, with his own people, who could not be easily roused to see their own degradation and hope for a better and fuller life as a free citizen. His fellowmen were highly oblivious to their own conditions. Speaking of the *Pariahs* in South India, a foreign observer remarks:

. . .notwithstanding the miserable condition of these wretched Pariahs, they are never heard to murmur, or to complain of their low caste. Still less do they ever dream of trying to improve their lot, by combining together, and forcing the other classes to treat them with that common respect which one man owes to another. The idea that he was born to be in subjection to the other castes is so much ingrained in his mind that it never occurs to the Pariah to think that his fate is anything but irrevocable. Nothing will ever persuade him that men are all made of the same clay, or that he has the right to insist on better treatment than that which is meted out to him.[28]

Such an attitude among the Pariahs being true of all Untouchables in general, it must have been sometimes a very discouraging experience for Ambedkar to realise how difficult it was to make his people who, through centuries of ostracism, had come to smugly accept their lot for granted They had first to be politically educated through political leadership, before they could realise what was at stake. There was a great paucity of leaders among the Untouchables, who could spread Ambedkar's views amongst this section of people throughout the length and breadth of the country. At the same time there was a huge chasm between this great leader and his people, because of his intellectual stature. It was difficult for them to truly appreciate the values he was fighting for. No wonder, sometimes he was even suspected by his own community, perhaps, due to their inability to fully grasp his method, his vision and approach. They might have feared that the known lot was better than the unknown paradise he was promising them. The wilderness they were in was preferable to the promised land which was to be and which really looked far and remote against the conservative Hindu society.

The genesis and the subsequent progress of his campaign to espouse the cause of the Untouchables, both in political forums as well as in his speeches and writings, bear out his convictions, crystallised through several phases of his campaign.

At this juncture it is useful to speculate as to the religio-political atmosphere prevailing at that time in the country. It is against this that we will have to consider as to how this important issue was engaged. The Hindu society, it would appear from the foregoing, was an insular society trying to perpetuate

the tribal, feudalistic and traditional nature, even though it implied denying justice on the human principle to over 50 million Untouchables. It was rather surprising that while the Indian National Congress, representing the Hindu majority, was eulogising democracy and democratic values, could have failed to appreciate that such a denial would be incongruent with the democratic principle. By inference one naturally wonders how seriously the Congress leaders subscribed to democracy or whether it was not an article of faith with them, but only a case of political expediency. Perhaps in accepting democracy they had done so with a great deal of reservation. In essence, what they were out for was a closed society with all the trappings of it, while assuming that democracy reduced to that pattern could be worked into this scheme. It should be clear to any objective thinker that, taken by and large, the Hindu view of society could never completely yield ground to a fully democratic society. The democratic idea itself poses a view of man which will be contrary to that espoused by Hinduism. It is here that the conflict between the two approaches namely, of the Congress on one side, and that of Ambedkar on the other, is seen. The latter, as we know, in pleading for the uplift of the Harijan was in reality advocating an open society which would accord with the principles of democracy. This is what Reinhold Niebuhr means when he states:

> "The ultimate virtue of the open society transcends the political virtue of making governments possible in which no group can claim a monopoly of power and no centre of power and prestige is immune to criticism and review."[20]

This virtue, according to Niebuhr, will save men from the pretensions of omnipotence and omniscience of traditional societies. It is based upon a modesty on the part of the political group, which realises that it wields or possesses political power only for the time being, as is the case in the true democracy. Perhaps here one may justifiably speculate from the attitudes of the Congress that it was not tenaciously hankering after power by the way it was indifferent to or even prepared to suppress other groups who, perhaps, hold other notions of truth and justice, which might be inconvenient to its own. Naturally, as a consequence, the democratic progress towards a truly viable

and just society becomes a distant dream. Ambedkar being an inveterate non-conformist to the conceptions and political ideas of the Congress had to seriously question such an attitude, which essentially lacked the principle of tolerance.

We should consider here another significant factor which strengthens our assumption further. It goes fully to the credit of Mahatma Gandhi, that having realised that a purely political method would not succeed with the British, who were past-masters in the political game, he had to fashion an instrument which would touch their vulnerable underside. His slow but clear study of the British must have convinced Gandhiji, that as a nation the British would always seek for a moral justification for whatever they did as political action in their Colonies. He had perforce fashioned his method to suit this purpose, *namely, to wear them down in their own characteristic.* The 'Sermon on the Mount', with many seminal Christian insights which praised meekness against strength, poverty against riches etc, were to become his principal armour in fighting the British. Hence non-violence, Satyagraha etc., were fashioned to disarm, not only the British approach to Politics but also convince the West with its Christian culture that the Indian freedom struggle was essentially a vindication of a Christian virtue or principle. No doubt, this approach was telling. The British were left without an answer when they were posed with the problem of showing the other cheek. There was also no lack of ferreting out appropriate teachings from the *Vedas* to support his method in order to show to the Hindu compatriots that what he was doing was really in consonance with the Hindu Scriptures such as the *Gita.* This very same process was to result in making Gandhiji emerge as not merely a super-politician but also a sage or near saint, who could give his political views a spiritual expression. But Gandhiji's religious view was circumscribed by his inflexible adherence to Hinduism only. Perhaps Gunther's comments on this aspect of Gandhiji explicates more interesting aspects· *John Gunther refers to Gandhiji as "at once a saint* and a politician, a prophet and a superb opportunist, defies ordinary categories."[30] Having achieved this *'halo'*, Gandhiji could not but keep to this role consistently. Evidence of this became more and more clear in his subsequent life whenever he had to provide justification for drawing sustenance from such

doctrines as *Varnashramadharma*, reward and duty from the *Gita* etc. It is not surprising therefore, that his naming the Untouchables, who were outcastes, as 'HARIJANS' (the children of God) belongs to this genre. From the standpoint of philosopher-kings Gandhiji's image fully met the bill. The appellation 'Mahatma', although personally he did not relish it, nevertheless came to stay as one fully merited and conferred by a grateful people. Incidentally, this was to generate a new species in politics in India which is obtaining even today which Western observers call 'Saintly Politics'.[31]

It is not difficult to surmise that even the Scheduled Castes, who were after all conditioned in the typical Hindu outlook, might have been led to believe that their salvation was to be sought only through a religious approach and through the leadership in the person of the Mahatma, who claimed not only a paternalism for them but also lifted them to the status of Children of God! How could they doubt that their interests were not in safe hands when the Mahatma loomed so large as a national saviour, whom even the powerful British rulers had to take note of?

On the other hand, however genuine Ambedkar's concern for his people might have been he was still an Untouchable with the traditional badge of contempt; and who was, in comparison against Gandhiji, diminutive as a national figure. But we do know that as a 'nationalist', and a true one at that, Ambedkar consistently remained so, although he espoused only a lost cause. He was not to mix up Hindu teachings in his political approach to support his cause, which was plain as a pyke staff for any objective politician. After all, he was an Untouchable and there was no knowing whether he was not also sharing with the rest of his community the same animus and prejudices in a subjective manner and, therefore, he might advocate methods which might be far in excess of what the situation demanded. Should they believe Ambedkar or follow Gandhiji, was the dilemma in the minds of the Untouchables. Nevertheless, he did resort to debunk religious tenets, whenever he suspected there was clear case of prevarication to prop up a meritricious political claim in the name of religion. But to the vast majority of unlettered outcastes the glamourised personality of the Mahatma overwhelmingly overshadowed Ambedkar's contentions on their behalf.

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There were even cases of backsliding from the ranks of the Untouchables and fears whether there was going to be vindictive measures taken by the caste-Hindus against them for fighting for their cause. The prevalence of such a fear in the minds of the Untouchables is supported by the findings of several committees. The Report of the Committee, appointed by the Government of Bombay in 1928 to enquire into the educational, economic and social conditions of the Depressed Classes (Untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift, opined as follows:

> Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes.
>
> The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency.... We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania....
>
> We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contract. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift.[32]

In such circumstances of fear of social boycott by caste-Hindus, the Untouchables were mortally afraid of, and reluctant to take steps that were revolutionary in character. On the aggregate,

one wonders what odds Ambedkar was pitted against and his role was far from being enviable. He was quick to realise that he was up against a situation which might have been menaced or even questioned his claim to be the leader of the outcastes. No less a person than the Mahatma himself challenged Ambedkar's claims. Speaking on the 'Minorities Pact' in the Minorities Committee of the Second Round Table Conference Gandhiji said:

> "... I would get, if there was a referendum of the Untouchables, their vote, and that I would top the poll... I would far rather that Hinduism died than that untouchability lived. Therefore, with all my regard for Dr. Ambedkar, and for his desire to see the Untouchables uplifted, with all my regard for his ability, I must say... that it is not a proper claim which is registered by Dr. Ambedkar when he seeks to speak for the whole of the Untouchables of India. It will create a division in Hinduism.... I do not mind Untouchables, if they so desire, being converted to Islam or Christianity.... Those who speak of the political right of Untouchables do not know their India, do not know how Indian society is today constructed, and therefore I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life.[33]

The Communal Award

Mahatma Gandhi meant this seriously. That time was not far off, when he had to put his life at stake to retain the Harijans within the fold of Hinduism. When the Second Round Table Conference was dissolved, the delegates to the Minorities Sub-Committee agreed to the proposal of the British Prime Minister to put in a signed requisition, authorising him to arbitrate and give his decision on the communal issue as they had failed to come to an agreement amongst themselves. All the members including Gandhiji signed such a requisition. But it was Ambedkar who did not sign it, as he was convinced and confident "...that the demands of the Untouchables were so reasonable that no arbitration was necessary."[34]

The decision of the British Prime Minister was announced on the 17th August 1932. Despite the 'misrepresentations' by the Congress on the total population of the Untouchables in British India before the Lothian Committee on franchise, the

Communal Award provided for the separate electorates to the Untouchables. The Award provided for voting by the Depressed Classes voters in the general constituency; and a number of special seats to be assigned to them. These special seats were to be filled by election from special constituencies in which only members of the Depressed Classes were entitled to vote, besides their voting in general constituencies. Such special constituencies were to be created only in those selected areas where the Depressed Classes were most numerous, and except in Madras, they should not cover the whole area of the provinces. This arrangement was to continue for 20 years if they had not previously been abolished under the general powers of electoral revision.

Gandhiji, as could be expected, read into this the mischievous hand of the British to further vivisect the Hindu society and the Indian people. In his letter of 18th August to Mr. Ramsay MacDonald—the Prime Minister, he repeated his earlier resolve to fast unto death to resist the Communal Award. He informed the Prime Minister, the fast would start from the noon of September 30, 1932, if the communal or separate electorates to the Depressed Classes was not changed. The "contemplated step", he wrote, "is but due to the fulfilment of the scheme of life which I have tried for more than a quarter of a century, apparently not without considerable success".

Mr. MacDonald, in his reply, conveyed the impression that Gandhiji's decision to fast was under a 'misapprehension', to which Gandhiji replied saying that he saw in the Award a calculated design to 'destroy Hinduism and do no good whatever to the Depressed Classes'. He was bitter when he wrote to the Prime Minister "you will please permit me to say that no matter how sympathetic you may be, you cannot come to a correct decision on a matter of *such vital and religious importance to the parties concerned*".

The British Prime Minister could not help the situation without the parties concerned, i.e., the Depressed Classes and Gandhiji, coming to an agreement as provided for in the Award. Ambedkar, in a statement, deplored the adamant attitude of the Mahatma when the Communal Award satisfied both those who wanted separate electorates and those who want joint electorates. He assured the Mahatma:

> We mean no harm to the Hindu society when we demand separate electorates. If we choose separate electorates, we do so in order to avoid the total dependence on the sweet will of the caste Hindus in matters affecting our destiny... I however trust the Mahatma will not drive me to the necessity of making a choice between his life and the rights of my people. For I can never consent to deliver my people bound hand and foot to the caste Hindus for generations to come.[35]

Nothing short of a reversal of the separate electorates for the Depressed Classes could prevent Gandhiji from sticking to his resolve, which was a matter of principle and value of his life. As the desired solution was not anywhere in sight, Gandhiji started his fast as per the schedule in the Yeravada Prison, where he was imprisoned since his return from the Second Round Table Conference. This 'Epic fast' (of 20th September 1932), as it was called by Pyarelal, set afloat anxiety everywhere and the only way to save him was by the Depressed Classes agreeing to alter the communal Award to Gandhiji's desires. So the whole nation looked to Ambedkar, who was 'the man of the moment or rather...the villain of the piece'. At least now his leadership of the Untouchables was accepted as a fact. But to Ambedkar it was a dilemmatic situation. As he expressed it:

> ...I had to make a choice between two different alternatives. There was before me the duty, which I owed as a part of common humanity to save Gandhi from sure death. There was before me the problem of saving for the Untouchables the political rights which the Prime Minister had given them I responded to the call of humanity and saved the life of Mr. Gandhi by agreeing to alter the communal Award in a manner satisfactory to Mr. Gandhi.[36]

According to the Poona Pact the Depressed Classes got more seats, i.e., 148 instead of 78 as per the Award. The election was to be by joint electorates following the procedure prescribed, i.e., the Depressed Class voters were to elect a panel of 4 candidates belonging to the Depressed Classes for each such reserved seats, who would be candidates for election by the general electorate. So also for the Central Legislature where 18 per cent of the seats allotted to the general electorate for

British India in the said legislature, should be reserved for the Depressed Classes.

The reactions to the Poona Pact were mixed in nature. Some thought that it was a gain for the Depressed Classes and to others it was a loss. But Ambedkar was not prepared to agree with this. He thought, while giving more seats to the Depressed Classes, the Pact took away the right to double vote. He said: ". . .The second vote given by the Communal Award was a priceless privilege. Its value as a political weapon was beyond reckoning... On this voting strength (which was 1 to 10), free to be used in the election of caste Hindu candidates, the Untouchables would have been in a position to determine, if not to dictate, the issue of the General Election. No caste Hindu candidate could have dared to neglect the Untouchable in his constituency or be hostile to their interest, if he was made dependent upon the votes of the Untouchables."[31] Such a position of privilege which was taken away by the Poona Pact was a great loss to the Depressed Classes indeed. The Poona Pact was thus a peculiar arrangement, which was liked neither by the Hindus nor by the Depressed Classes. It was, at the same time accepted by both the parties, perhaps to respect the sentiments of the Mahatma, and embodied in the Government of India Act of 1935. In fact, if one examines the communal Award as it related to the Depressed Classes, it was quite reasonable and fair. The alleged separatist tendency in it was more the result of sentimental apprehensions than a reality. How the occasional act of voting in separate constituencies, that too, after voting in a general constituency, by a Depressed Class voter would take him away from the Hindu fold passes one's comprehension. There was, as such, no need for Gandhiji to oppose it with his life. It was too drastic a step that the Mahatma chose, particularly in the light of the arrangement later for reservation of seats to the Scheduled Castes and Tribes in the new Constitution of India.

The Poona Pact—Its Aftermath

The immediate outcome of the Poona Pact was a meeting of the Hindus at Bombay to throw open temples to the Untouchables. Mahatma Gandhi gave his support and started a column in the *Harijan* weekly with the caption 'Week to Week', with

a view to giving a detailed account of the temples, schools, wells etc., thrown open to the Untouchables in different places. Bills were introduced in the Legislatures to throw open the temples for Harijans. Ambedkar complained that only some 'dilapidated and deserted' temples were thrown open for them, and hence the effort of the Hindus was not a sincere one.

A more concrete result of the Poona Pact was the formation of the 'All-India Anti-Untouchability League' under Gandhiji's inspiration at Bombay on 30th September, 1932, which was later called the 'Harijan Sevak Sangh'. Its aim was for "carrying propaganda against Untouchability and taking immediate steps to secure, as early as practicable, that all public wells, dharmasalas, roads, schools crematoriums, burning ghats and all public temples be declared open to the Depressed Classes, provided that no compulsion or force shall be used and that only peaceful persuasion shall be adopted towards this end". To provide funds for the work of the Sangh, Gandhiji toured the country mostly on foot and collected Rs. 8 lakhs. The Sangh had an uphill task in achieving its objectives in view of the natural resistance from the caste-Hindus for social mingling. The Sangh's platform did not include an effort for securing a place of political importance to the Harijans, as Ambedkar would like it to have. So he disassociated himself from the activities of the Sangh, though he welcomed it as a first step to achieve a very limited objective—the welfare of the Harijans.

It would thus be clear beyond any doubt to even a casual observer, that while Gandhiji's leadership of the Untouchables was 'sentimental' and 'assumed', the leadership of Ambedkar was natural and real. Gandhiji, an established national figure, whose image was also that of a spiritual leader, including that of the Harijans, could not but naturally bring down Ambedkar's leadership under serious question from his own people. He carried no spiritual halo, but spoke pure politics and used terms such as democracy, equality and justice. Whereas the Congress was freely zigzagging between religion and politics whenever each demanded a prop from the other. Surely the unreality of the situation was itself perhaps a conspiracy to bog down the legitimate cause Ambedkar was fighting for. Of course, from the point of view of the Untouchable masses, it must have been a situation completely confusing. In any case,

for those who have never known what it was to be free, how could they be expected to appreciate the struggle for their rights, when they did not know what was at stake? They never had freedom ever to know what it is to lose it, and much less to gain it. An elaboration of the situation has been attempted at length, in the foregoing, in order only to bring out the nature and extent of the task Ambedkar had undertaken, and the difficulties that beset this task. That is the reason why Ambedkar decided upon a purely political approach to the problem and sought remedies through the political mechanism itself. He put the demands, on behalf of his people, in concrete form right from the days of the Round Table Conferences. The 'Scheme of Political Safeguards for the Protection of the Depressed Classes in the Future Constitution of Self-Governing India' that he submitted to the Minorities Sub-Committee of the Second Round Table Conference in collaboration with Rao Bahadur R. Srinivasan, was in the form of a Constitution in itself. It was in the form of terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India. The provisions of this scheme were largely modelled on the relevant provisions of the Constitution of the U.S.A., and the Amendments to it. Almost a parallel was worked out in it. Ambedkar laid down eight conditions in all, which covered claims for Equal Citizenship; Fundamental Rights, Free enjoyment of Equal rights; Protection against boycott and discrimination, Adequate representation in the legislatures and in the Services; Redress against prejudicial action or neglect of interest; special Departmental Care, and the Reservation of a seat for the Depressed Classes in the Cabinet. He also demanded that in the Instrument of Instruction an obligation be placed upon the Governors and the Governor-General to endeavour to secure the representation of the Depressed Classes in the Cabinet.[39]

Ambedkar was fully convinced that without an effective and due participation in the political process and life of the country, the Untouchables cannot have any justice. He soon abandoned demands and movements for temple-entry and the like through persuasive methods as Satyagraha, which formed part of Gandhiji's plan for abolition of Untouchability. Whenever he had an occasion to speak to his people, Ambedkar exhorted

them to his approach and task, instead of depending entirely on the good sense and the morals of the caste-Hindus. In his Presidential Address to the All-India Depressed Classes Congress in August 1930, he said:

> "I am afraid that the British chose our unfortunate conditions, not with the object of removing them but only because such a course serves well as an excuse for retarding the political progress of India. . . . Nobody can remove your grievances as well as you can, and you cannot remove them unless you get political power in your hands. No share of this political power can come to you as long as the British Government remains as it is. It is only in a Swaraj Constitution that you stand any chance of getting the political power into your hands without which you cannot bring salvation to your people."

This exhortation was patriotic, first and last, and brings forth the basic and most essential difference in the approach to the problem of Untouchability of Dr. Ambedkar and the Congress.

At this juncture, we may do well to pause in order to evaluate the approach made by the Muslim Leader Mr. M. A. Jinnah for his people against the claims of the Hindu majority. Mr. Jinnah was quick to see that the religio-political approach of the Congress could only be met on the grounds of religion. Is there any wonder, therefore, that the Muslims being of a different faith constituted a different nation, although in doing so they were brazenly flying in the face of other realities which would contradict it. This was really a calculated strategy, perhaps, in order to meet the Congress which also claimed to speak for the Muslims. Mr. Jinnah's two-nation theory looked ridiculous. But when we realise that the fate of the minorities was for ever to be beholden to the favour and good pleasure of the majority, what else was there as an alternative for a well-defined minority? It is always an accepted political dogma that the health of a polity depends on the well-being of the minorities, same as the strength of a chain depends on its weakest link. As students of history, we also know the sad state of Greecian polity which begrudged equal status to all and relegated a vast section to second class citizenship and slaves had none! It is easy to see that in pursuing the cause of justice for the Untouchables Ambedkar was in fact enunciat-

ing a democratic principle. This is abundantly clear from the definition of Democracy which Ambedkar gave in a speech on 'the conditions precedent for the successful working of Democracy' at Poona on December 22, 1952. He defined Democracy as "a form and method of Government whereby revolutionary changes in the economic and social life of the people are brought about without bloodshed". His vision of a democratic society was one in which there will be neither an oppressor class, nor a suppressed class; equality before law and in administration and functioning of moral order in society. He wrote elsewhere that a society based on Liberty, Equality and Fraternity should be the only alternative to a caste-society. It should be full of channels for conveying a change, taking place in one part, to other parts. It should be mobile. There must be 'social endosmosis'. This is fraternity which is only another name for democracy. "Democracy" writes Ambedkar, "is not merely a form of government. It is primarily a mode of associated living, of conjoint communicated experience. It is essentially an attitude of respect and reverence towards fellowmen". He was also aware of the fact that 'equality' is a fiction and is glaringly fallacious. But we cannot escape it. We can give most to the people by "making them (every one) equal as far as possible at the very start of the race".[39] From this it is abundantly clear that the approach of Ambedkar was purely secular; and he believed in Democracy that is complete and real. We see in him a genuine interest and a burning desire for building India into a strong and real democracy, in which his stature also would rise to that of a national leader, in every sense. It would, therefore, be doing him an injustice if his political action is to be narrowed down merely to the cause of the Untouchable, though it was uppermost in his mind and action. He would not sacrifice democracy and freedom for the sake of his people. He had realised fully that only under a self-governing constitution and a free India the Depressed Classes can hope to attain equality and get justice.

Untouchables and Caste-Politics

The Hindu society being communal, communalism is naturally a part and parcel of the political structure of the Hindu society. Even to this day some political parties are having a

Republican Party to bring new blood into politics. This he had proposed to be the party under the banner of which he would fight the Second General Elections in 1957. His end came before he could do so. But the Republican Party was founded after his death on the eve of the Second General Elections It was nothing but a conversion of the All-India Scheduled Castes Federation. Ambedkar also founded the Peoples Education Society at Bombay and the Milinda Maha Vidyalaya at Aurangabad to propagate higher education. Another interesting venture of his was the starting of a Training School for the potential legislators and politicians and to invigorate the democratic forces in India. The School, the first of its kind in the country, worked with 15 students on rolls from July 1, 1956 to March 1957.

In this also, he had realised, was another instance where democracy is made unreal by the rampant communalism and lack of effective public opinion. Communalism retards national integration. We are not surprised, therefore, that Mr. Nehru, being truly seized of this problem of casteism, had to resort to a radical remedy of secularising politics, opting for a secular state and thereby providing an anti-dote to this vicious virus.

The mark of a caste society is its stagnation. By perpetuating the traditional elite, it will naturally exclude, perpetually, excellence and personal merit from the suppressed groups such as the outcastes. To Ambedkar casteism is in fact opposed to social progress and political stability. Casteism "has killed public spirit. Caste has destroyed the sense of public charity. Caste has made", wrote he, "public opinion impossible.. There is no appreciation of the meritorious. There is no charity to the needy. Suffering as such calls for no response. There is charity but it begins with the caste and ends with the caste There is sympathy but not for the men of other caste.. "[41] In principle, this kind of deprivation and exclusion from rewards for effort and merit can only be justified on the score of ingrained injustice based only on birth What we notice in casteism is not only a denial of vertical mobility based on merit, but also a horizontal recognition of a rewarding status which would help the outstanding individual merge with the higher recognised groups. The lack of this process leaves the outcaste and the denied people the only source of seeking spiritual solace, i.e., *Karma* or fatalism. This "doctrine of Karma", says Gunther, "has considerable political

consequence. Obviously it embodies an extreme form of fatalism, which impedes ambition. Obviously too, if man thinks that his present life is merely an interlude between other lives which may be vastly more important, the spur to such a mundane consideration as nationalism is lacking. Then, too, it gives us a clue to such phenomena as Mr. Gandhi's doctrine of non-violence, since it destroys man's inclination to resist...."[42] It is bound, therefore, to create malcontents and when the process gathers momentum, it would threaten to become a formidable force to cause social rupture.

In a Press Statement issued by Ambedkar on the question of Temple entry for Harijans and the Temple Entry Bill of Mr. Ranga Iyengar (14th February 1933), he said that the Untouchables cannot support the Bill as it was drafted, and both from the materialistic and the spiritual point of view "the Depressed Classes need not spend their resources on such an empty thing as Temple Entry". Temple entry is not an end in itself It may be a first step. "If the Hindu religion is to be a religion of social equality then an amendment of its code to provide temple entry is not enough. What is required is to purge it of the doctrine of Chaturvarna... Unless it is done not only will the Depressed Classes reject Temple Entry, they will also reject the Hindu faith", he said. This basic philosophy of Ambedkar was to find expression later in the Hindu Code Bill, which he introduced in the Parliament of free India but was strangled by the delaying tactics of some groups.

The two approaches to the problem of Untouchability can be summed up as follows: Gandhiji seems to have argued on the assumption that the so-called Untouchables are a part and parcel of the Hindu society. Hindus are mainly responsible for the position of the Untouchables. It is, therefore, the moral responsibility of the Hindus to set it right, and wipe out this sin on their part. So whatever was proposed to be done for rehabilitating the Untouchables should be within the Hindu fold, and *in mutual co-operation. Hence, Gandhiji's* advocacy of the Joint Electorate for them instead of the Separate Electorate. The position of the Untouchables is different from those of the Muslims and others because they are not separate and cannot be separated from the Hindus under any circumstance.

Dr. Ambedkar, on the other hand, agreed with Gandhiji to

the extent of Hindus' responsibility for the position of the Untouchables. Historically, the caste-Hindus have come to perpetuate misery and degradation upon the Untouchables. The responsibility is to be laid squarely at the doors of the Hindus. But Ambedkar did not have faith in the caste-Hindu effort, including that of Gandhiji and the Congress, to ameliorate and emancipate the Harijans.[43] He was convinced that the caste-Hindu effort was insincere and sinister, and it would never be an effective remedy. So he wanted his men to get all constitutional and statutory safeguards that are necessary for their emancipation, instead of depending upon the good will of others. Therefore, he thought, they must be placed in such a position with the required electoral safeguards and facilities as to enable *them to participate effectively in political power. He held the* view that instead of wasting their time and energy in demanding their entry into temples, the Untouchables should strive to capture political power. Given this political power, they can get all other things in their favour. The Muslims grew from strength to strength as a minority because they were sheltered under the system of separate electorates. The Untouchables, who got the same under the Communal Award, had to give it up under the Poona Pact to save the life of Gandhiji. This was a great sacrifice on their part. Though they got some more seats than they would have got under the Communal Award, the disadvantage under which they had to contest the elections were too many, as explained by Ambedkar. His assumption was that those representatives, elected with the Hindus votes and Congress support defeating non-Congress Harijan candidates, can never serve the interests of their fellowmen. So the difference between Gandhiji and Ambedkar was on the agency; or who should be entrusted with the work of emancipating the Harijans and the path to be adopted. Gandhiji said it should be done by the Hindus within the Hindu society. Ambedkar said it should be done by the Untouchables themselves under direct constitutional safeguards, and outside the Hindu society, if necessary. *The basic difference between these two approaches brings into* relief the core of the contention between Ambedkar and Gandhiji. According to the Mahatma: if salvation is to be worked through the framework of the Hindu fold any advantage that he could get cannot go beyond what *would still be derivative concessions*

yielded to the Untouchables from the caste sections. Whereas, what Ambedkar aimed at was: elevating the status of the Untouchable as a matter of right upheld by law and statute, thus becoming an equal citizen with others. Gandhian approach was conservative and limited; whereas Ambedkar's was radical and emancipative.

The difference between the two approaches is significant and fundamental, when we visualise the status of the Untouchables in a democratic set-up which was to be ushered in with Indian Independence. The *Socialistic Pattern of Society*, as enunciated by Mr. Nehru, is no doubt bound to remove the edge of such discrimination, perhaps by stages. By its nature socialism may achieve this end through a long and tortuous route. However, as industrialism is the inevitable handmaid of socialism, it is bound to spread improved means of livelihood and distribute rewards for merit and efficiency, wherever it may arise. For, a machine-civilization cannot recognise caste but only the machine-minder. In that way, the process of equality through this impersonal means may enter through the backdoor, what is openly denied by religion.

It may be further noted that economic factors alone are not responsible for the ills of our society. To bring about a socialistic order, in which liberty and justice are enjoyed by one and all in India, economic reform is of course necessary, but it can be only one kind of reform that must be taken up. It should be realised that "Religion, social status and property are all sources of power and authority, which one man has, to control the liberty of another...."[44] Equalization of property must be preceded by a reform in the social order in India, if there is to be a socialistic pattern of society. One socialist is on record as to have written: "I do not believe that we can build up a free society in India so long as there is a trace of this ill-treatment and suppression of one class by another. Believing as I do in a socialist ideal inevitably I believe in perfect equality in the treatment of various classes and groups. I think that socialism offers only true remedy for this as well as other problems."[45] It is not enough if socialists just believe in social reform It should actually precede economic and political revolution. Generally speaking, as Ambedkar thinks: "History bears out the proposition that political revolutions have always

been preceded by social and religious revolutions. The religious Reformation started by Luther was the precursor of the political emancipation of the European people.... The same is true of the Muslim Empire.... Even Indian History supports the same conclusion. . . .''[46] Even granting the socialist argument that when once the revolution of the proletariat takes place, they will still have to grapple with the problem of the distinctions of caste or creed, high or low. To Ambedkar: the socialist state in India, that was to come, will not be able to function even "for a second without having to grapple with the problems created by the prejudices which make Indian people observe the distinction of high and low, clean and unclean... if the Socialists wish to make Socialism a definite reality then they must recognize that the problem of social reform is fundamental and that for them there is no escape from it. . . .''[47] So the Indian socialists should realise the monster of caste that crosses their path. There cannot be economic and political reform unless this 'monster' is killed. Mr. Nehru was all the more alive to this reality when he was envisaging the Socialistic Pattern of Society for India Ambedkar had the vision of a realist and a prophet when he made these utterances as early as 1936. Only a secular India in which the death-knell of 'casteism' is sounded can be fit for a socialistic pattern, based on equity and justice. Perhaps, it was the hand of destiny that gave him an opportunity to write the Constitution of free India, ushering in a socialist democratic society with safeguards for the Minorities.

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CHAPTER

4

Nationalism and the Minorities in India

THE PROBLEM of minorities is not peculiar to any one nation or continent. With the dawn of the twentieth century, particularly as a result of the principles adumbrated in the Peace Treaties of the two World Wars, the principle of national self-determination came to be accepted everywhere. Once this principle was conceded a number of existing states had to be dismembered only to create numerous separate political entities throughout Europe based on the doctrine of mono-nationalism. The consequences of such a reorganization were far-reaching.

The genesis and development of the minority problem constitutes a part of the development of the doctrine of nationalism which, in turn, is itself a part of a definite historical process in the European states to start with. The principle of self-determination was nothing but an extension of the principle of the rights of the citizen to the rights of the state. As "the free citizen had a right to govern himself, *ergo* the whole community of free citizens had a right to govern itself."[1] Men and

nations as well came to possess the right to self-determination. This principle was expressed in a concrete form at the end of the First World War, when President Woodrow Wilson, the world's leading democratic statesman, "wrote the right of self-determination, the right of national groups to form their own sovereign government, into the Peace Treaties ..."[2] As a consequence of this declaration a number of new independent national states were formed after the First World War The process was repeated with greater zeal even after the Second World War. This was, of course, the logical result of the development of the doctrine of nationalism

Nationalism, as is well-known, stands for unity and cohesion among a people It has been looked upon as the inspirer and the very harbinger of the aspirations of a people who may be striving to secure a homeland of their own exclusively for themselves under the Sun The troubles and tribulations undergone by the Jews in order to secure one such place for themselves is an illustration of this tendency It is believed that the feeling of nationalism is more psychological and sentimental than real and concrete. To Ambedkar: "Nationality is a social feeling It is a feeling of a corporate sentiment of oneness which makes those who are charged with it to feel that they are kith and kin . It is a feeling of 'consciousness of kind' which on the one hand binds together those who have it . . and on the other, severs them from those who are not of their kind It is a longing not to belong to any other group" but their own.[3]

Naturally, when once a people become conscious of their nationhood they, in turn, help their neighbours and those of other groups, perhaps smaller groups within their own state, to similar consciousness That group which becomes conscious of nationhood earlier than others develops an attitude of exclusiveness and hatred towards the other group, which in that process grows conscious of its own position. It generates in their minds a mistrust of the other group. It is actually "the other side of the coin of union and cohesion. This is the sense of *not* having close links with others and the consciousness of their being strangers outside the group."[4] Such a situation may sometimes create a sort of militant attitude in the minds of the numerically small and culturally different neighbour against

the numerically stronger group. It may happen as well even within the original national boundaries. The elements of the dynamics of such intergroup relations lead to the problem of minorities

Who Are Minorities?

Historically, the development of the state brought about a social organization which could bring together masses of culturally and physically heterogeneous groups and sub-groups into a single entity. But strangely enough it is once again the state organization itself that was responsible for encouraging minority-feeling on the part of a number of groups. It is due to the fact that in spite of their inhabiting the same territory and being ruled by the same government, they share cultural traits different from others and reckon themselves, in a sense, as kinsmen by descent.

It is also true that no nation state is racially and culturally homogeneous. The frequent changes in the boundaries that are occasioned by wars, revolutions or voluntary territorial readjustments through treaties, hardly allow for the evolution of really homogeneous national states. It is a myth, if one claims that in the modern society a state and nationality coincide. In such a heterogeneous society the "national way of life is the life of the numerical majority, and the strangers—the minority members—form smaller cultural racial enclaves."[5] The minority groups are often "faced by an ideal of national culture and national physical type associated with the characteristics of the dominant segments of the state societies into which they have been incorporated."[6]

This statement can be further substantiated with a reference to C. A. Macartney who draws a distinction between the nationality meaning 'the feeling of appurtenance to a *nation'*, and nationality 'in the sense of membership of a State'. The former is called by Macartney as 'personal nationality' which is based on 'personal, often inherited, and usually objective' characteristics. "These characteristics exist in the individual quite independently of the locality in which he may be domiciled, whether the majority of the inhabitants share them or no, and independently of the political regime under which he may live, whether this be in the hands of persons possessing the same

characteristics or not. The body of persons possessing these characteristics constitute the nation."[7] Thus 'personal nationality' is an important factor in the life of a State. It may not be a problem to the State so long as the feeling of 'personal nationality' does not conflict with the objectives of the State. But when a group of people having 'personal nationalities' that are identical, come under 'pressure from without', in the words of Julian Huxley, the group may become conscious of its minority position and press for its own special rights and protection. It may assume, gradually, such dimensions that a breaking away becomes necessary.

Further, the emergence of the forces of democracy and economic nationalism—the belief that industrialization makes the preservation of national economy a necessity for everybody's livelihood—have strengthened such feelings. In fact, the Marxists have gone to the extent of explaining the birth of modern nations and nationalism as a part of "the process of the abolition of feudalism and the development of capitalism". The instinct of economic preservation was of course one of the forces that built up nationalism. Besides this, the racial conflict, the elements of tradition and culture of a people may also contribute, and have contributed, substantially to the generating of the feeling of nationalism. When such elements become stronger in a given group, it may develop secessionist tendencies from the other groups with whom they might have lived, perhaps harmoniously, for a long time.

A minority, therefore, is that part of the general population of a country which distinguishes itself from the rest by virtue of racial, linguistic, religious and other differences. The degree of distinction is actually determined by its relationship and attitude towards the dominant group. So in a discussion on the minority problem we have to consider its size, social, racial or cultural affinities or disaffinities and the degree of hostility it bears towards the dominant or the majority group. Whenever a people develop a feeling that they are an exclusive group developing in themselves a 'consciousness of kind' and have a longing to belong to their own group they are supposed to constitute a separate group—perhaps a minority group.

The problem of minority attitudes has become more articulate with the adoption of democratic methods of governance.

Democracy, as is well-known, is based on principles such as majority rule; one-man-one-vote; individual right; government by discussion and so on. The impact of adult-franchise, in particular, on the problem of minorities, is of great significance which cannot be undermined. The principle of one-man-one-vote would always help the minorities to be conscious of being outvoted by the dominant group. They will be labouring under an apprehension of getting submerged, or even annihilated systematically, if they do not take adequate steps. The minorities will, naturally, start clamouring for special protections, safeguards, weightage etc., in order to preserve their individuality. In a democratic set-up, the right of the minorities to preserve identity in their culture, language and religion is bound to be more vociferous and it is bound to get recognition. Their right to self-preservation will have to be conceded as a fundamental right as, for example, provided for in the Constitution of India to the linguistic and religious minorities. The claims of the minorities for self-preservation have sometimes led to militant movements leading to the creation of a separate State for the minority group. This has been particularly manifest, of late, in Asia and Africa.

The prevalence of inequalities among different groups within a State was, almost, accepted as traditional, and was not inflamed by national or revolutionary passion. But with the growth of democratic spirit and the Nation-State concept, such inequalities among the dominant groups and the minorities came to be resented. As Prof. Gilbert Murray opines "it is the war (the First World War) which has changed the situation, and turned the old discomfort into an acute and dangerous disease."[8] The new national states, created after the First World War by dismembering the old Empires and States, developed vindictive attitudes towards the people of their former rulers. "Drunk with the new wine of national freedom, and burning with the patriotic enthusiasm which had carried them through the terrible strain of the war, these new nations were not likely to show much consideration for the alien.... So anti-alien brutalities were widespread and the need for providing protection to them became all the more urgent." Such a situation could not have been averted in view of the fact that the Peace Treaty could not have created frontiers which "could

have produced, or could now produce, a series of nations without alien minorities; no human power could have made good feeling between what one side regarded as the oppressed and the oppressors, the other as the betrayers and the betrayed".[9] In the circumstances, one is forced to find a way out of this difficult situation. Either they should be allowed to secede or adequate protection should be given to the minorities.

The best approach to the minority problem should be through modest and unpretending methods. A government cannot expect loyalty from those minorities whom they plunder and persecute. A minority, on the other hand, cannot expect a fair and equal treatment from the government when they continue to feel that they are aliens and have loyalties outside the frontiers of a country. Forgiveness, generosity and humaneness on both sides is a prerequisite for a harmonious co-existence of two or more groups. Of course, the dominant group has a greater responsibility and duty. As it is not safe always to depend on the good sense of a people, it was thought proper to provide for International Treaties, which also can be effective up to a point.

Minorities in India

The problem of minorities in India has been of special significance. It has its origins in her peculiar historical circumstances and development. A student of the constitutional history of India is aware of the special role the problem of minorities played in the constitutional evolution. It has not been just a tributary in the national movement. It was, in fact, in the main stream of the national movement, occupying a central place in the Indian national politics since the beginning of the twentieth century. As we will see, the problem of minorities, particularly the religious minorities, was responsible for several deadlocks in the course of the Indian freedom movement. Indian politics of the period could be described as largely communal politics. In fact, as Mr. Nehru writes:

> "The communal problem as it was called, was one of adjusting the claims of the minorities and giving them sufficient protection from majority action. Minorities in India, it must be remembered, *are not racial or national minorities* as in Europe; they are religious minorities. Racially India is a patchwork and a curious mixture, but no racial ques-

tions have arisen or can arise in India. Religion transcends the racial differences, which fade into one another and are often hard to distinguish..."[10]

It became particularly manifest because the British used the minority issue as a counterpoise to the Indian national movement The minority politics of the Muslims was guided and encouraged by the British statesmen from the days of Lord Minto, leading ultimately to the partition of India into two Dominions of India and Pakistan.

In fact, there is nothing in Indian history to compare with the bitter religious feuds and persecutions that prevailed in Europe. As Mr. Nehru thought, in India we had religious and cultural toleration, which were "inherent in Indian life. In regard to individual and political rights and civil liberties, we were influenced by the ideas of the French and American revolutions, as also by the constitutional history of the British Parliament. Socialistic ideas, and the influence of the Soviet revolution, came in later to give a powerful economic turn to our thoughts."[11] With such a turn, as Nehru saw it, the religious tinge attached to the minorities problem could have been eliminated. But it did not happen. Still the problem of minorities was in the forefront of our national politics, because of the British attitude and policy towards it. Ambedkar figured in it prominently as the leader of one of the minorities—the Depressed Classes.

Indian nationalism, as pointed out already, was the product of the British rule itself It developed out of the resentment, among Indians, to an alien regime which was not, and could not be dynamic enough, in spite of the administrative and political unity it brought about The alien rule could not generate co-operative and constructive goals In this direction an alien rule, however enlightened, can never be a substitute for a vigorous national leadership. However, it must be admitted, the British rule in India served as the principal means by which a strong national consciousness was fostered. The resentment to foreign rule made Indians conscious of liberal principles of political philosophy such as rights of man for self-government, etc.

In a study of the minority problem in India, we cannot afford to ignore the influence of tradition and culture of the land. As pointed out already, India was known for her religious

tolerance. Besides these, the historical events, such as the Muslim and British conquests of India and the role they played during the period of their occupation, are also matters of great importance. Those events produced a class of people in the country, who came to form the minority groups. The Depressed Classes or the Untouchables, who were over fifty million—constituting nearly one-fifth of the Hindu population; the Muslims, who were about ninety million constituting about one-fourth of the Hindu population of pre-partition India; the Christians, who *were about eight million; and the Sikhs were considered as the* more important and the cognisable minorities of India All these groups, obviously, are religious minorities The Muslims, the Christians and the Depressed Classes were, in fact, national *minorities inasmuch as they were interspersed all over the country.* Ambedkar, the leader of the Depressed Classes, naturally, was their powerful spokesman and represented their interests at various conferences and negotiations with the British. He formulated his own proposals for vindicating the rights of the Depressed Classes as a minority, that was not only sizeable but was also subject to severe social, economic, political and religious disabilities and indignities for nearly 2,500 years in our history. The problem of these people, as already discussed, was the outcome of the so-called traditional and cultural elements and values that constituted the Hindu religion. The religious taboos and prohibitions sanctioned by the Hindu religious scriptures, created a wide cleavage between these people and the caste-Hindus The attitude of the dominant group, the caste-Hindus, towards these oppressed people came to be resented by them. They were organised under a leader, rising from among their own ranks, when once they became conscious of the indignities and discriminatory treatment to which they were subjected The problems faced by this particular minority group, that was a part of the Hindu religion itself, were all the more serious as their disabilities were deep-rooted in the religious beliefs of the Hindus resulting in severe social discriminations. Ambedkar had *to launch a fierce fight on behalf of this minority group to* which he belonged and whom he led.

This, however, does not imply that Ambedkar's concern was only with the Depressed Classes, though it was the primary one. *But as an intellectual, a great thinker and as one interested in*

the country's problems as a nationalist, he could not be indifferent to some of the relevant issues of the day. He, naturally, expressed his considered thoughts and suggestions from time to time. He discussed, in his writings, matters such as the rights of the Minorities in the future Constitution of India; the demand for linguistic reorganization of the provinces; the demand put forward by the Muslims for a separate homeland of their own and such other problems. It is, therefore, proposed to present and examine in the following pages, his thoughts on these problems and the solutions he thought feasible. In this, Ambedkar was not only championing the cause of the minorities as a whole, but was expressing his views without any reservations. As a spokesman for the minorities, he was contributing substantially to the Indian political thought of the period.

Ambedkar and the Minority Problem

Ambedkar's thoughts on the problem of minorities refer to the Depressed Classes in particular, and the minorities of India in general. His views on this problem were expressed in a more concrete form in the course of the memoranda he submitted to the Simon Commission, and at the Round Table Conferences. The Round Table Conferences were convened with a view to providing an opportunity for Indians to express their views on the framing of a Constitution for India. This was an event of 'great significance' to Indians as it recognised "the rights of the Indians to be consulted in the matter of framing a Constitution for India."[12] All the minorities, including the Untouchables, were represented along with the representatives of the Princes and others. The Untouchables were, for the first time, represented separately by two delegates of their own—Dr. B. R. Ambedkar and Rao Bahadur R. Srinivasan. By implication, "this meant that the Untouchables were regarded not merely as a separate element from the Hindus but also of such importance as to have the right to be consulted in the framing of a constitution for India."[13] This, however, was construed as divisive tactics of the British.

The British Government, as is known, was following the policy of using some of the communal interests and groups to counter the development of nationalism among Indians. As a part of this policy they were providing for special representation to

them from time to time. The Muslims were recognised as a statutory minority under the Government of India Act of 1909 itself. The demands of the Muslims "for separate representation by members chosen by themselves only were conceded, and the further concession was made that in assigning representation, regard should be had to its political importance and its services to the Empire as well as to its proportionate numerical strength "[14] Such a decision was vital for more than one reason In the first place it was to recognise the position of a religious minority in terms of its 'political importance' in any constitutional arrangement In the second place, it encouraged this particular minority group, the Muslims, to clamour for more concessions, leading ultimately to the vivisection of India. Finally, it also provided an incentive for other minority groups to demand similar statutory recognition for them also The same principle of communal electorates was extended to the Europeans, Anglo-Indians, the Indian Christians and the Sikhs under the Government of India Act of 1919. The Depressed Classes were also recognised as a statutory minority. But nothing much by way of protection was given except giving them some token representation.

The work of the Round Table Conferences was divided into as many as nine sub-committees The Minorities Committee, with Mr. Ramsay MacDonald as its Chairman, was one of those, and Ambedkar was a member on this Committee. The Committee was assigned the most onerous and delicate task of finding a solution to the communal question of India. Ambedkar supported the demands made by the minorities for adequate and effective representation in the Legislatures, the Executives, the Public Services, and for statutory guarantees for preventing discrimination against the minorities by the majority He said, unless this is provided for, there cannot be justice to the minorities In all his endeavours for them, Ambedkar proceeded on the assumption that national well-being and liberty would depend upon the rights enjoyed by the minorities. He visualised that with the establishment of majority rule in India, it was bound to be the rule by the orthodox Hindus by virtue of their numerical superiority. He feared a ".. great danger of that majority with its orthodox Hindu beliefs and prejudices contravening the dictates of justice, equality and good conscience ... the

minorities may be discriminated against either in legislation or administration or in the other public rights of citizenship...."[15] Hence the need for special safeguards for the minorities in the future Constitution of India.

Further, Ambedkar represented that the problem of the Depressed Classes had a special significance, in so far as they were not entitled to even some of the civic rights enjoyed by the other minorities by law. They were, moreover, subject to social persecution, unknown in any other part of the world The economic discrimination they encountered in the hands of the caste-Hindus was the chief source of most of their difficulties The caste-Hindus resorted to the most powerful weapon of social boycott, if the Depressed Classes chose to resist the tyrannical treatment. In the political field, whatever representation they may be granted in the proposed legislature they will always be in a very small minority. So he was convinced that there must be statutory or constitutional safeguards for the Depressed Classes, without which they would never be lifted from that position of ignominy.

It is already pointed out that Ambedkar's approach to the problem of the Depressed Classes was not a religio-social one, but was basically politico-economic He was not for a social-reform-approach, all by itself, in the form of Temple-entry, inter-dining etc. He was for providing adequate opportunities for the Depressed Classes to enable them to have an effective share in the political power of the country. He believed, once they capture political power, they can order other things, without much difficulty. He was, therefore, demanding political and constitutional safeguards, so that the Depressed Classes would be brought on par with others. Any minority, as a matter of fact, should be in a position to participate in the life of the country. They should not be forced to such a position as to withdraw from such a participation. It depended largely on the attitude of the people who have been more fortunate in this regard, and the policies of the government towards the minorities

Special Protections and Safeguards

Ambedkar's scheme for special protections for his people was presented in a more specific and articulate fashion in a memorandum submitted jointly with Rao Bahadur R. Srinivasan to

the Minorities Committee. He had outlined 'the terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India'. In the course of the memoranda, the following conditions were laid down in order to safeguard the interests of the Depressed Classes: (1) Equal citizenship, and Fundamental Rights declaring the practice of 'Untouchability' as illegal (2) Free enjoyment of 'Equal Rights' protected by adequate constitutional remedies. (3) Protection against discrimination. (4) Adequate representation to the Depressed Classes in the Legislatures. They must have the right to elect their own people to represent them through (a) adult suffrage, and (b) separate electorates for the first ten years, and thereafter by joint electorates and reserved seats, "it being understood that joint electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage."[18] (5) Adequate representation in the Services. The memorandum pleaded for the establishment of a Public Service Commission in each Province and in India to undertake recruitment and control of the public services (6) Redress against prejudicial action or neglect of interests. An obligation should be imposed on the Legislature and the Executive to make adequate provision for the education, sanitation, recruitment and other matters of social and political advancement of the Depressed Classes on the lines of Section 93 of the British North America Act, 1867. (7) Special Departmental Care. It should be a statutory obligation for the setting up of a Department in-charge of a Minister and "to appoint Depressed Class Welfare Bureaus in each Province to work under the authority of and in co-operation with the Minister" (8) Finally, the Depressed Classes should have a seat in the Cabinet to have an opportunity in framing the general policy of the government. The instrument of Instructions should place such an obligation on the Governor-General and the Governors.

Ambedkar elaborated these conditions in his speeches at the Round Table Conferences. Explaining his views on the question of 'weightage', he said, it should be conceded to a minority because it "is weak, either in numbers, or because its social standing is low or its educational standing is backward as compared with others or because its economic strength is not suffi-

cient to place it on a fighting par with other communities."[17] This was the criteria he suggested for minority protection. Naturally, he was highly critical of the British policy of giving weightage on grounds of political importance. He said, ". . . I cannot understand, for instance, how weightage can be allowed on the ground of political importance, or loyalty, or services rendered either to the Empire or to the British Government. I think if we adopt that principle, we shall land ourselves in very difficult circumstances from which it will be difficult to extricate ourselves."[18] He summed up his views on the question of minority representation, with a warning note, thus.

> ...this whole question of minority representation is really the crux of the situation, and if the majority community desires that all minorities should associate with them in having or in claiming, a constitution which will give India what they call Dominion Status, or what we prefer to call Government by the people, for the people and in the name of the people, then I am afraid that the majority community must see to it that all fears of the minorities are set at rest. Otherwise it may not be possible for us to take what I do not conceal from myself is the risk that most of us are taking in claiming Dominion Status.[19]

Ambedkar Misunderstood

This statement was interpreted to mean that he was not prepared to consent to any self-governing constitution for India, unless the demands of the minorities were met in a reasonable manner. Such a misapprehension was further strengthened, when Ambedkar declared:

> ...The Depressed Classes are not clamorous, they have not started any movement for claiming that there shall be an immediate transfer of power from the British to the Indian people...but if the British Government is unable to resist the forces that have been set up in the country which do clamour for transference of political power...then our submission is that if you make that transfer, that transfer will be accompanied by such conditions and by such provisions that the power shall not fall into the hands of a clique....but that that solution shall be such that the power shall be shared by all communities in their respective proportions...[20]

Such an emphatic assertion on his part, exposed him to attacks by his critics questioning his nationalist stance itself. The charge was justifiable to the extent his statements went. But one will have to take into consideration the circumstances under which he made such statements. He had maintained always that unqualified transfer of power to Indians would mean transfer of power either to the Hindus or the Muslims, as it happened under the Provincial Autonomy Scheme of the Government of India Act, 1935 In either case, he thought, the interests of the Depressed Classes would be at jeopardy. Weighing the question in the light of these considerations he, perhaps, thought that the transfer of power could be accepted only with the necessary provisions to protect the interest of the minority communities. In the absence of any such special provisions, he believed, the continuance of British rule would be preferable till such time as the Depressed Classes themselves will be in a position to get their interests protected It would be uncharitable to question his patriotic fervour or the depth of his sincerity to the cause to which he was dedicated on such counts alone. On the other hand, the language he employed was only an outburst of his genuine feelings, and did not bear malice towards any one. Such a lack of moderation in his language was understandable.

It may not be out of place here to refer to another accusation, that he was the stooge of the British government, as the British used leaders like Ambedkar to counterpoise the nationalist demands, in the name of the interests they represented. Such charges were made from very responsible quarters Of course it was malicious and was calculated to denigrate Ambedkar and to tarnish his image in the eyes of the whole nation. One need not be surprised at such insinuations. It is true that the interests of the British policy were served by the clamourous demands made by the Depressed Classes. But one should not forget that, after all, these people were pressing for their legitimate rights and their just demands. Ambedkar was, on his part, voicing the feelings of all the minorities when he was making statutory guarantees a pre-condition for transference of power to Indian hands, so that the health of the body politic under *Swaraj* may be sound; so that there could be a joint effort and co-operation in the more important tasks ahead. He

was, naturally, prepared even to wait for some time, if need be, to attain the objective. On the other hand, the Indian National Congress thought that the problem of the minorities should not hold-up independence of the country. Once power is transferred it maintained, Indians could settle all such problems amongst themselves. This point will be elaborated in the next chapter. Suffice to say here, it was only a difference in approach and timing that one finds in the approach of Ambedkar and that of the Congress. Nevertheless, Ambedkar was subject to scathing and denigrating criticism from various quarters for his so-called obstructionist policy, which had no justification whatsoever. On the other hand, subsequent events leading to Indian independence strengthened his stand. His defence of the minority interests was derived, not from a philosophical postulate but based purely on a realistic approach. He believed that 'politics is nothing if not realistic' and judgment without a ground-plan-base is useless. By the ground-plan-base, he meant, the social structure of a community to which the political plan is sought to be applied.[21] Such an approach on his part was prompted by 'cold-blooded reasoning' that is evident in his utterances and writings. His thoughts on the problem of linguistic provinces, and his role in the making of the Indian Constitution etc., bring to the fore his nationalist fervour. He was a nationalist in the true sense of the term and a democrat par excellence.

A Safe Polity for Minorities

Ambedkar strove to secure for the Minorities their rights and special safeguards in the course of his writings and pleadings before several agencies that were concerned with the problem of reorganising the Indian polity. He elaborated his views on the question of minority protection etc., in a brochure *States and Minorities—What are Their Rights and How to Secure Them in the Constitution of Free India;* prepared on behalf of the All-India Scheduled Castes Federation for submitting to the Constituent Assembly. It was in the form of draft Articles of the constitution instead of being in general terms. It was almost in the form of a draft constitution. Ambedkar's basic philosophy of constitutionalism, economic and political democracy etc, found a more complete and clear expression in this brochure of

his than the one that emerged from him as the Chairman of the Drafting Committee of the Constituent Assembly. He could not, perhaps, incorporate into that draft his own philosophy, because there were certain serious limitations, which he could not ignore. He was not free to write the Constitution entirely as he wanted it to be. He himself gave expression to this difficulty more than once This point will be discussed more fully in the course of another chapter.

In this brochure, he refuted the argument that the Scheduled Castes cannot have separate electorates, as they are a part of the Hindu religion, and that they are not a minority at all. The argument was that separate electorates will perpetuate Untouchability; that it is anti-national, and such a step will perpetuate British imperialism in India.

Ambedkar contended that 'social discrimination' should constitute the real test for determining whether or not a social group was a minority. According to this test the Scheduled Castes were the only group which was entitled to be treated as a real minority in India He maintained that "to make religious affiliation the determining factor for constitutional safeguards is to overlook the fact that the religious affiliation may be accompanied by an intense degree of social separation and discrimination."[22] If it is not so why should there be separate electorates for the Europeans, Anglo-Indians, and the Indian Christians when they belong to the same religious group?—he asked So what should be decisive is not 'religious affiliation', but 'social separation'. The argument that separate electorates prevent solidarity, was the result of confused thinking "Nationalism and anti-nationalism", he said, "have nothing to do with the electoral system They are the result of extra-electoral forces."[23] Whatever electoral system that is devised, it should have nothing to do with such questions. It should be intended to be a mechanism for enabling a minority to return its true representatives within the polity, because what a minority needed was not mere representation but an effective representation, and that obviously "depends upon it (the electoral system) being large enough to give the minority the sense of not being entirely overwhelmed by the majority."[24] While suggesting this new criteria for deciding the minority that should be entitled to special safeguards and representation he was proceeding on

scientific lines. This suggestion was a distinct contribution of his to the theory of minority protection and representation.

In his proposed constitution for the 'United States of India', Ambedkar discussed in concrete terms the Fundamental Rights; Minority Rights; safeguards for the Scheduled Castes; a preamble and the position of the Indian Princely States in the proposed 'United States of India', which was obviously a Federation. In shaping this constitution, he drew heavily upon the Civil Rights Protection Acts, 1866; and of 1st March 1875, passed by the Congress of the United States of America, to protect the Negroes against unequal treatment. Ambedkar's preference for a unitary state was clearly manifest in this. But at the same time, he was providing for a federal polity with a unitary bias, as the conditions of the country would not permit the formation of a unitary state.

In his proposals Ambedkar had a larger view of the problem of fundamental rights, individual liberty, democracy etc., and his views were a departure from the existing practices. He thought, it was necessary to prescribe the shape and form of the economic structure of society as a part of the constitutional law. It should not stop with the establishing of a responsible government based on adult franchise and guaranteeing some fundamental rights. If the economic structure is not spelt out and is left untouched, the result would be that "the political structure is completely set at naught by the forces which emerge from the economic structure which is at variance with the political structure."[25] But later on he had to swerve from this stand, when he had to defend in the Constituent Assembly the inclusion of Directive Principles of State Policy. He pleaded in this brochure, further, that State Socialism in important fields of economic life should be established by the law of the constitution, so that it would be unalterable by any act of the Legislature and the Executive.

His concept of State Socialism comprised: (*i*) State ownership of agriculture with a collectivised method of cultivation and a modified form of State-socialism in the field of industry; (*ii*) Nationalisation of the Insurance business; (*iii*) Key industries to be run by the State; basic industries, which are not key industries, shall be owned and run by the State or by Corporations established by the State. He had envisaged a planned

economy, to be guaranteed in the constitutional law itself. He was not a Marxist. He believed in democratic planning for an all-round development. He also realised that for the success of planned economy, the policy should be fairly stable and permanent. In a parliamentary democracy the risk for planned economy is all the more great. With every election there is a possibility of a change in the majority party. Either the approach of planned economy itself may be abandoned, or may be diluted, at least. So the only way out would be "to retain Parliamentary Democracy and to prescribe State Socialism by the law of the Constitution so that it will be beyond the reach of the Parliamentary majority to suspend, amend or abrogate it. It is only by this that one can achieve the triple object, namely to establish Socialism, retain Parliamentary Democracy and avoid Dictatorship."[26] As he could not stipulate the economic policy in a mandatory form in the new Constitution of India, he had to be satisfied with providing for non-justiciable Directives of State Policy.

As to the type of Executive for his proposed United States of India, he had suggested a non-Parliamentary type of executive as the best device for protecting the minorities against a communal executive. The executive that he suggested, was more on the Swiss model than on the model of the U.S.A. He was of the opinion that Parliamentary executive of the British type was not suitable to India, as the majority in India would be a communal majority, and not a political majority. A political majority, to Ambedkar, is that which grows, and is changeable in its class composition, to which admission is open; and whose politics is free. While a communal majority is that which is born, whose doors are closed to others and whose politics is made by its own members born in it.[27] So the introduction of the British type of executive in India, he thought, would be "full of menace to the life, liberty and pursuit of happiness of the minorities in general and of the Untouchables in particular."[28] Ambedkar also believed that the chances of success for the British type of executive were slender. He had clearly anticipated the clashes of castes and creeds and the birth of a plethora of parties and groups in the Legislatures in India. This would lead to the instability of the Executive. Even the solidarity (existing then) among the major parties may not con-

tinue and the cement that holds them together may fall away, once the problem of 'British India is solved'. The type of executive he suggested, was intended to obviate these evils.

These observations of Ambedkar can be reflected upon with much interest in the light of the Congress-Politics in India today. In spite of the influence exerted by the towering personality of the late Prime Minister Nehru, groupism and rivalries that the Congress party exhibited even during his lifetime is something very serious. The 'groupism' or factional politics in the Congress has led to a situation that was anticipated by Ambedkar. The rivalry between the organisational and the ministerial wings of the Congress party at the central and the State levels, is no secret. In fact, the role of an opposition is being fulfilled effectively within the Congress party itself!

Linguistic States: Their Implications

The reorganisation of the Provinces in India on linguistic principles was another important measure of reform that was being demanded by the Indian National Congress during the British rule itself. The British Indian Provinces, it was thought, were formed on exigencies rather than on any rational basis. So they were not natural units with an element of stability. The Congress party was already committed to the linguistic reorganisation of the Provinces for over thirty years. In the wake of India's independence, the problem had to be tackled and the Government set up a Commission[29] to report on the demands for linguistic provinces. The Dar Commission reported against the creation of linguistic states. Subsequently, the 'JVP' Committee[30] also decided against linguistic states. In view of these findings, and also of the more serious problems faced by the country, the demand could not be conceded and the new Constitution provided for States which were not based on the linguistic principle of 'one language one State' at all. But the demand for linguistic states was accelerated. The creation of Andhra in 1953, as a sequel to the 'martyrdom' of an Andhrite —Potti Shriramulu, who fasted till death to get the linguistic state of Andhra created, the demand became all the more widespread and strong, with violent repercussions in some States. Consequently, the Government of India appointed a three-man High Power Commission[31] in December 1953 to examine and report on

the question of the reorganisation of States on a linguistic basis. Hence, it was also called the States Reorganisation Commission. The Commission recommended the reorganisation of States largely on a linguistic basis, taking also into consideration administrative convenience, geographical contiguity and economic viability. It submitted its Report in September 1955. The Constitution of India was suitably amended to give effect to these recommendations when the States Reorganisation Act, 1956, was passed by the Union Parliament As a result of this and the related Bombay Reorganisation Act, 1960, the States of the Indian Union today stand reorganised, and boundaries demarcated largely, and not solely, on the linguistic principle.

Ambedkar had expressed his views on this important problem since its genesis itself. He was not favourably disposed towards this demand for linguistic provinces in the form it was made He had, in fact, opposed a Resolution on the creation of a separate Karnataka Province, moved in the Bombay Legislative Assembly in the year 1938

Ambedkar tried to oppose the introduction of the Resolution on technical grounds saying that, as the Resolution affected the status of other Provinces, it cannot be discussed by the Bombay Legislative Assembly Still the Resolution was taken up for discussion Ambedkar opposed the creation of a separate Province of Karnatak as it was untenable and was, as such, a 'dream' and 'ideal'. It would not be possible "for anybody to get Kanarese-speaking people who are living in Indian States, as it is, to have their allegiance transferred from the States to any British Indian Province."[32] It was true that without the areas that were under the princely state of Mysore—the largest single Kannada-speaking area—the proposed Karnatak Province would not have financial viability. Besides such a danger, the Province would also encounter certain other difficulties. He said: ". . Our strength lies in a polyglot administration. I do not say, but I have my fears that if Karnatak is created as a separate Province, *it would be a Province of all the Lingayats against everybody* else. I am not mincing matters, but if, for instance, there was separation there would be a combination of the Marathas against the Kanarese—we don't want this kind of thing and there cannot be a common front which we at present enjoy."[33] He had also his objections to the creation of linguistic states,

as it would lead to the disintegration of the land. He drew the attention of the Members to the unifying role of the British rule and appealed for its preservation. He said that though the British failed to do many more things because "their self-interest probably did not permit them to do—have done two things which I am generous enough to admit as being two monuments of their rule in this country which will survive even when they go away. The one thing that they have done for us is a common code of law. . . . The other thing the British have done is that they have given us a common central Government. Such a thing we did not have before."[34] He believed that it was because of this positive effect of British rule that India was able to develop a common nationality. It was his belief that the linguistic states would, in the last analysis, affect the unity of the country.

But there was a complete transformation and change in his views on the subject at a later stage. This is what he said in the course of a memorandum he submitted to the Commission on Linguistic Provinces (Dar Commission) appointed in 1948:

> A Linguistic Province produced what democracy needs, namely, the social homogeneity, and makes democracy work better than it would in a mixed Province. There is no danger in creating Linguistic Provinces. Danger lies in creating Linguistic Provinces with the language of each Province as its official language.

So, his objection was not so much to the creation of the linguistic states as such, but he did object to the provincial languages becoming official languages in the respective states. If provincial languages were to become official languages, he thought, there would be 'provincial nationalities' which would lead to a breaking-up of India instead of remaining united This has been our experience since the birth of linguistic states.

His thoughts on linguistic states were contained in a brochure issued consequent to the publication of the Report of the States Reorganisation Commission.[35] Since he could not participate in the discussion and debate in the Parliament and in the campaign for Linguistic states due to his illness, he chose to set out his views on the subject in this brochure. He thought, the question was so important that he could not afford 'to sleep

over in silence'. He accepted that there was a certain degree of inconsistency in the views he expressed in this brochure and the ones expressed earlier on the subject. The change in his views was due to the changed circumstances in independent India, and also due to the fact that he got a complete picture of the problem, on the publication of the Report of the States Reorganisation Commission. He thought, responsibility was more important than consistency Moreover, he was examining the entire problem *de novo* from the point of view of the minorities also

Linguistic States and the Minorities

Ambedkar, ultimately, accepted the necessity and soundness of a state being organised on the basis of one language. In fact one of the reasons as to why Article 3 in the new Constitution of India empowered the Union Parliament to change or alter the name or boundaries of States of the Indian Union was to enable the reorganisation of States at a suitable time An unilingual state, as it would be built on 'fellow feeling' and a corporate sense of oneness, will be 'the foundation of a stable and a democratic State'. He felt that bilingual or multi-lingual states will not be suitable to India, as 'the genius of India is to divide' and not to unite Then how is it that the composite states worked all those years? They could work because of the Congress party that was in power at the Centre and all the States since independence, and of the personality of Mr Nehru[36]

Ambedkar did not agree with all the recommendations of the States Reorganisation Commission His conception of linguistic states was not to have always and everywhere '*one state only for one language*' He was not for '*one language, one state*'. That is to say, he was pleading for the creation of more than one state for each language, if necessary, as he was suggesting in the case of Maharashtra, Bihar, Uttar Pradesh, and Madhya Pradesh. He said, the principle that people speaking one language should be brought under one government alone "irrespective of area, population and dissimilarity of conditions among the people speaking the language...is an absurd formula and has no precedent for it. A people speaking one language may be cut up into many States as is done in other parts of the world"[37]

Such an arrangement was necessary particularly to protect

the minorities. His theory was "as the area of the State increases the proportion of the minority to the majority decreases and the position of the minority becomes precarious and the opportunities for the majority to practise tyranny over the minority becomes greater. The States must therefore, be small."[38] Ambedkar was totally opposed to the creation of big states just to accommodate for the principle of one state only for one language. Another implication of accepting the principle of one state only for one language would be that it results in the creation of states that will be unusually big in the case of some, and smaller states in the case of others. It would have serious repercussions on the life of the country as a whole. The variation in the size of the states is not healthy from the standpoint of national harmony The disparity in the size of the states, and in turn between South and North India, would be dangerous. Though such a disparity is seen even in the United States of America, it is not dangerous there, because of the 'preventive provisions' in the U S Constitution, like equal representation to States in the Senate, the co-equal authority of both the Houses of legislature, etc.

The States Reorganisation Commission did not avail itself of the opportunity for creating states of nearly equal size in the Indian federation. It must be noted here that a Member of the Commission, Sardar K. M. Panikkar expressed in the course of his note of dissent to the Report, that there should be states of nearly equal size. He was particularly opposed to the creation of an unduly large state of Uttar Pradesh. He was for dividing it and making it smaller. Mr. Panikkar had opined that it was "essential for the successful working of a federation that the units should be fairly evenly balanced."[39] He had pointed out the undesirability of a single state having a preponderating position in the Central Government, as that was bound to happen with a big state like that of Uttar Pradesh. It has been, in fact, the position all these years. Mr. Panikkar's note of dissent substantiates the arguments of Ambedkar regarding large states. Ambedkar thought that by leaving U.P., and Bihar as they were, and adding to them a new and a bigger Madhya Pradesh and Rajasthan, the States Reorganisation Commission had created a new problem of North vs. South, resulting in 'the consolidation of the North and the balkanization of the South'.

Such a tendency for balkanization would be further strengthened by the question of a national language for India. It may be recalled here that Hindi was adopted as the national language by a single-vote majority in the Congress Party![40] With about a population of 48 per cent speaking Hindi language; and with larger number of seats in the Parliament being held by the Northern States, North India would be in a position to exert 'a disproportionate influence on the politics of India'. In view of the cultural differences between the North and the South,[41] the possibility of a civil war between these two cannot be ruled out. The movement for Dravidasthan in the South, powerfully sponsored by the Dravida Munnetra Kazhagam (DMK) in Madras State, can be pondered over with interest in the light of the warnings given by Ambedkar, much before the event.

Remedial Measures

Ambedkar put forward some concrete suggestions to thwart such a danger. In the first place, he suggested that the Northern States of U P, Bihar, and Madhya Pradesh should be broken into smaller States, because he ruled out the possibility of enlarging the southern States to meet the menace of the Northern States He had also disapproved of the principle adopted by the S R.C, 'that one language, one state is a categorical imperative from which there is no escape'. On the other hand, he had evolved a more realistic principle that "people forming one language can divide themselves into many states," that will be unilingual in their composition. Such an arrangement would have prevented the domination of one or two States in the politics of the country, but also would have facilitated proper economic development of the areas which were more backward than others, as in the case of Maharashtra. In his scheme of linguistic states. the State of U P, was to be divided into three States: (*a*) Western U.P., with Meerut as Capital, (*b*) Central U.P, with Kanpur as Capital, and (*c*) Eastern U.P., with Allahabad as Capital Each one of these would be having a population of 2 crores, which should be regarded as the standard size of population for an effective administration. Bihar was to be divided into 2 States: (*a*) North Bihar, and (*b*) South Bihar, with Patna and Ranchi as capitals respectively; each with a population of little over one and a half

crores which 'is not a small population for one Government to administer'. Madhya Pradesh, as created by the S.R.C., was to be divided into 2 States: (*a*) Northern, and (*b*) Southern Madhya Pradesh, with Gwalior and Indore as capitals respectively. Incidentally, according to Ambedkar, the question as to why the S.R.C. created such a big and monster State of Madhya Pradesh was a matter of great surprise even to Mr. Nehru. Ambedkar, as can be expected, was not in favour of a bilingual Bombay State, as created by the S.R. Act. In his last days he was planning an agitation to get the bilingual state of Bombay rescinded. He was, in fact, suggesting the creation of four unilingual states of Maharashtra, instead of one. They were: (*a*) Maharashtra City-State of Bombay city along with such areas of Maharashtra as would enable it to be a good and strong City-State; (*b*) Western Maharashtra; (*c*) Central Maharashtra; and (*d*) Eastern Maharashtra. The setting up of four unilingual, instead of one unilingual state of Maharashtra would facilitate the removal of economic, educational and such other disparities in these different regions of Maharashtra. He advised, in fact, the people of Marathawada or central Maharashtra to have a state of their own so that they will have power in their own hands to improve their lot.[42]

The second remedial measure he suggested was that Hindi should 'be the official language of the State' and until India became fit for this purpose, English should continue. The Constitution should provide that the regional language shall not be the official language of the state in order to avert such a danger. He feared; if regional languages were made the official languages, the states might develop into independent nationalities. It would contribute to the disintegration and balkanization of India. As Ambedkar put it: The road between an independent nationality and an independent State is very narrow. He added a note of warning: "If my suggestion is not accepted, India will then cease to be India. It will be a collection of different nationalities engaged in rivalries and wars against one another."[43] The States Reorganization Commission was alive to this danger that would follow the creation of linguistic states. The Commission had, therefore, provided for two institutional checks on the immanent linguistic patriotism on the part of the linguistic states. The setting up of the five Zonal Councils and the establishment of

a Commissioner for Linguistic Minorities were thought of to counter the parochialism of the States. In spite of these institutional safeguards, the problems of minorities and that of parochialism have not been set at naught. The tragic events of 1960 between the Assamese and Bengalese in Assam, the Mysore-Maharashtra boundary dispute and several such problems only strengthen this statement. As Morris-Jones observes: "disintegrative factors and tendencies have thus been at work, often as causes of major events in the nation's recent history. The forces of integration . . . tend to work less obtrusively. Their silent ways have been in many eyes their great defect and leaders have searched for means of increasing this force by providing more explicit institutional forms. . . ."[41] We know that a vigorous campaign to bring about 'emotional integration' among the people was launched long back. The late Prime Minister Nehru was very much shocked at the parochialistic and disintegrative forces that were gaining ground in the country since independence and particularly after redrawing the map of India on linguistic lines. He gave an impassionate call for 'National Integration', which, for the first time, appeared in a Resolution of the Congress Working Committee in 1958. The campaign for national integration received its most concrete expression when the National Integration Council was set up in 1961. The legacy of the States reorganisation in India has been, therefore, parochialism, linguistic chauvinism and national disintegration and disruption which have very often held back economic development of certain regions. If only the proposals of Ambedkar were to be accepted and appreciated at the right moment, perhaps, such a calamity would have been averted, or at least minimised.

A third suggestion that Ambedkar made to remove tensions between the North and the South was to have a 'second capital' for the country. A second capital is necessary because of not only climatic variations but also from the point of view of: the convenience to the people; the feelings amongst the southerners towards the North; and above all from the point of view of Defence of the country. He thought, New Delhi is vulnerable from the defence point of view.[45] So also is Calcutta which is within the bombing range from Tibet. What Ambedkar had remarked then sounds so fresh, so correct and so significant in the light of the events since 1962 when the Chinese aggres-

sion on India took place and during the Indo-Pak armed conflagration. This is what he had written: "Although India and China are friends, how long the friendship would last no one can definitely say. The possibility of conflict between India and China remains."[46] He had made this observation in 1955 when the relations between India and China were at their peak. He had, therefore, suggested Hyderabad as the ideal place to be the second capital of India. He was cautious enough to exclude it from the administrative control of a state, when he laid down that the areas of Hyderabad, Secunderabad and Bolarum cities should be constituted into a separate Chief Commissioner's Province. The opportunity provided by the states reorganisation was not utilised for providing a second capital It may be pointed out here that it is now the practice for the President of India to sojourn at the 'Rashtrapati Nilayam' at Bolarum, where he spends a few weeks every year. Ambedkar's plea for a second capital has been fulfilled in this very limited way and that too as a convention.

Finally, he had suggested an amendment to the Constitution of India to provide adequate protection to the minorities in the reorganised states. In order to prevent the tyranny of the majority over the minority, provision must be made in the Constitution itself for a system of plural-member constituencies (may be double-member or multi-member constituencies) with cumulative system of voting. The evils of caste-system were sure to be sharpened everywhere with the creation of Linguistic States, and the consequences of casteism on politics are too obvious to be overemphasised Ambedkar was very much alive to the deeper implications of caste in the changed political, social and economic atmosphere of the country. His belief that the political and economic plan of a country should be based on its social structure, had emanated from such an awareness on his part. In the last decade or two, caste has come to be looked upon as *'jati'* and not as *'varna'*. The *'jati'*, which is "the small local strata formerly dismissed vaguely as sub-caste...is the basic unit of social stratification in traditional rural India."[47] As Morris-Jones observes further: "Seen thus, castes are not five but innumerable; in each small region—varying in area in different parts of the country but always to be thought of as a cluster of villages rather than a region—there is a distinc-

tive constellation of castes...."[48] In such a situation the constellation of these castes understood as '*jatis*' come to possess, control and influence power in relation to the political process of the country. Leadership will "come from the ranks of the locally dominant caste who will regard themselves and be regarded as natural hereditary repositories of such political status."[49] Ambedkar's concern too was to prevent such classes of persons from monopolising power. Such a class of people in each village or a cluster of villages would, naturally, be the repositories of power and control over it. A political behaviour of this character is bound to influence substantially the elections and their outcome, which form the very foundation of our representative government.

The evil effects of communalism, that is so rampant in Indian politics today, were summed up by Ambedkar as follows. (1) Voting is always on communal lines irrespective of merit. (2) The majority community will carry the seats by sheer communal majority (3) There is always the possibility of the minority community being coerced to vote for the candidate of the majority community (4) The minority community, in view of its limited strength, cannot hope to win a seat. (5) In view of the graded system of social inequality, the voters of the higher communities are not prone to condescend to give their votes to a candidate of a minority community. On the other hand the voters of a minority community take pride in voting for the candidates of the majority community[50] Such a tendency would lead to the formation of a communal majority with the assumed title of a political majority. ". . To give such title deeds to a communal majority", said Ambedkar, "is to establish hereditary Government and make the way open to the tyranny of that majority."[51] The remedy to such an undesirable political process is not to have too large states; and "to have plural-member constituencies with cumulative voting in place of the system of single-member constituency embodied in the present constitution This will allay the fears which the minorities have about Linguistic States."[52]

The foregoing discussion is an attempt to examine the problem of minorities as viewed by Ambedkar, at various stages of our political development and from different angles. It also throws much light on his deep concern for the minorities in

whatever he wrote and said. It would be a mistake to consider his views as those concerning the problems of the Depressed Classes only and exclusively. His thoughts on this problem were comprehensive enough to cover other minorities also in the country within the scope of his consideration. One cannot miss sight of his deep sincerity and humanistic approach in his concern for the minorities. He thought systematically and scientifically, and the suggestions he made were based more on the 'ground plan' of the society than being merely in the form of speculative philosophical observations of an idealist arm-chair philosopher.

The minority problem in India is something different from that in other countries. It has certain peculiarities. In considering the position of a social group as a minority, the criteria should be social discrimination, besides its size, social, racial or cultural affinities. What should be decisive is not religious affiliations but social separation. Judged by this criterion, Scheduled Castes in India constitute the real minority, whose position is different from that of other minorities, in view of the fact that they are not entitled to the enjoyment of certain rights that are enjoyed by other minorities such as the Christians, the Sikhs and the Muslims. All minority communities in general, and the Scheduled Castes in particular, should be protected under special safeguards provided in the Constitution itself. It should guarantee to them fundamental rights; adequate, real and independent representation in the legislature, executive and the public services. Their representation should never be by nomination but by election with weightage etc. Mere paper-guarantee of these safeguards in the constitution would not be adequate. The constitutional guarantees should be so incorporated as to provide ways and means by which the minorities are to be protected in the exercise of those rights The minorities could not consent to any self-governing constitutional arrangement for India unless their demands were met in a reasonable manner.

The creation of Linguistic States in independent India was bound to sharpen the evils of casteism and linguistic chauvinism. It would foster fissiparous tendencies and the balkanization of the South and the North. To the already existing groups of religious minorities, a new class of minorities, the linguistic

minorities, have been added on in every state. Such dangerous trends notwithstanding, unilingual states are necessary for the development of a free and democratic life. The dangers of linguistic states can be averted by wise statesmanship, whereas the dangers of a multi-lingual state are greater and beyond control or remedy. It is possible to avert the evils of unilingual states by creating smaller states, nearly equal in size and population, based on the needs of economic development; and by creating more than one state for each language instead of there being one state only for a particular language, irrespective of its size. The minorities can be better protected by providing for plural-member constituencies with cumulative voting for them instead of single-member constituencies.

The creation of a second capital for India would, not only bridge the gulf of mistrust and misunderstanding between the North and the South, but would also be wise from the point of view of defence. A carefully considered and a shrewd policy on the question of national language of India is necessary.

Though Ambedkar sounded too sceptical and apprehensive in his thoughts on the minority problem and linguistic states, they were not without grounds. All his apprehensions have come to be true. His demands on behalf of the minorities in the form of adequate safeguards have been fulfilled to a certain extent. But the more serious problem, which he feared would come to pass in the form of centrifugal and centripetal forces after the states reorganisation, could have been largely minimised if the opportunity offered by the states reorganisation was to be utilised for putting through some of his proposals, particularly for creating smaller States. Smaller States would have provided opportunities for more leaders, thereby the factionalism that we witness today would have been minimised. The fact that even today the country is facing problems of casteism, social incohesion etc., is proof positive of his farsightedness, political shrewdness, and capacity to anticipate the events. The call for 'National Integration' is still there in the country and the people of India exhibit a great sense of integration at times of national emergencies like the Chinese aggression and the Indo-Pak conflict. One cannot expect such a grave situation to come often to bring about integration. Once the emergency is over, people tend to relax. National integration should be accomplished on

a more secure and enduring basis through an emotional integration among the people all over the country. It can be achieved only by erasing from the minds of the people their regional or parochial attitude to the problems of development and security of the nation. Ambedkar's suggestions would have gone a long way in accomplishing this task, if they were heeded betimes and with the spirit in which they were made. It was rather unfortunate that for some reason or the other, they were not adopted by those at the helm of affairs in the country. The benefits of his thinking, which he had placed at the disposal of the nation were not appreciated at all, which, to say the least, was most unfortunate

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CHAPTER

5

Communal Tangle—The Bane of Indian Politics

A STUDY OF India's political evolution will be unrealistic if it does not take into account one of the major factors in it and that is the communal claims and counter-claims. It is *necessary to examine the problem of Muslim communalism vis-à-vis* the constitutional and political evolution of India, as it has an essential relation to the problem of other minorities.

The Hindu-Muslim antagonism constitutes one of the dominant themes in the political and constitutional history of India. The twentieth century Indian Politics was one of discussions and dialogues among the parties involved, viz., the British, *the Muslims* and the Indian National Congress on this problem. This communalism was the result of a peculiar development of Indian social and political milieu in the country particularly under the British rule. Of course, the divergent *religious* and social practices and outlook of the people were exerting their own influences. The so-called Hindu-Muslim antagonism, anyway, was not beyond settlement. It could have been settled

amicably, as claimed by some, but for the third party, the British, who were shrewd enough to foresee the possible developments in the field of Indian nationalism and they were quick to grasp the realities of the situation. They, as will be seen, actually encouraged and kept on nourishing the Muslim claims for special safeguards leading to their demand for 'separation' on the purported grounds of their being a separate nationality. This demand by the Muslims came in handy for the British. The demand suited the interests of the British well, and their main object in encouraging the Muslims was to use them as a powerful bulwark against the growing nationalism in India. This statement could be justified by an analysis of the developments in the relations between the Muslims and the Hindus during the British regime in India.

The Hindu-Muslim Relations

The successful suppression of the 1857 uprising, which is contemptuously branded by the British as the Sepoy Mutiny and proudly proclaimed by Indians as the first war of Indian Independence, was a turning point in the history of British rule in India It had several lessons both to the British and the Indians To the British, it held out two important lessons. They learnt first, " how precarious their hold on India was Secondly, the Hindus and Muslims were not as irreconcilably inimical as they had persuaded themselves to believe In pursuance of their common interest, they might quite well act together again and fight under a common banner as many Hindus had done under the banner of the last Mughal Emperor This realisation was to have a lasting effect on the evolution of their (the British) communal policy, designed always to keep the Hindus and Muslims politically separated."[1] The outcome of such a policy was bound to be disastrous. It ultimately created an era of Hindu-Muslim antagonism Speaking of the Hindu-Muslim relations since 1920, Ambedkar writes:

"the period 1920 to 1940 can be characterised as a period of civil war between the Hindus and the Muslims in India, interrupted by brief intervals of armed peace . There was carnage, pillage, sacrilege and outrage of every species, perpetrated by Hindus against Musalmans and by Musalmans against Hindus—more perhaps by Musalmans against indus than by Hindus against Musalmans."[2]

The British policy in the post-Mutiny period was, naturally, designed to keep the Hindus and Muslims separate by playing one against the other. Such a policy was very cleverly nurtured by successive Governors-General. It reached its hall-mark in the hands of Lord Curzon and Lord Minto in the first decade of the 20th century. Some of the worst features of the British rule in India emerged as a result of such a policy. The first thing they did was to reorganise the Indian Army in such a way as to strengthen the British element to the exclusion of the Indians, particularly those sections who had a prominent role in the Mutiny. The same policy was vigorously followed in the administrative and social fields. The tall promises in the Queen's Proclamation of 1858 were soon to prove empty ones. The introduction of English education was intended to eliminate the Indians, though it proved beneficial to them ultimately. They took to the English language and, particularly, the Hindus did not lag behind, whereas the Muslims were rather unwilling to catch up with the rapid changes that were taking place, partly due to the frustrations they were undergoing after being pulled down from a position of political importance. Such an attitude on their part made them remain a backward people and there was an immediate need to bring about a sort of rejuvenation. The British attitude towards the Muslims, in the period immediately after the Mutiny, was one of suspicion and distrust which added to the frustrations of the Muslims. But it was soon to change, as the British realised the need for picking up such a frustrated element for strengthening it against the growing nationalism among the Hindus. To the British, Indian nationalism meant nothing but Hindu nationalism, which was not wholly correct. So the British reversed their policy towards the Muslims which came to be one of positive help and encouragement for their rehabilitation.

The Muslims, as will be seen later, were encouraged at all possible levels by the British. By giving them the privilege of the separate electorates in the Reforms of 1909 and subsequent reforms, the British nourished the feeling of separate Muslim nationalism that blossomed in 1947 to its fullest stature. When the demand for Pakistan was made in the Lahore Resolution of the Muslim League in 1940, India was startled. It was bound to assume serious proportions and the communal

problem came to be expressed with an unprecedented dimension in Indian politics. Since the passage of the Lahore Resolution the most fundamental and intriguing question before the nation was Pakistan or no Pakistan? This question was bound to be answered with full justification in either case. All those individuals and organizations in the country interested in the constitutional problem of India then were prone to react in their own way to this demand by the Muslims. The basic points in their demand were the following:

> 'the creation of administrative areas which are ethnically more homogeneous'; and 'these homogeneous administrative areas which are predominantly Muslim to be constituted into separate States', as the Muslims constituted a separate nation and wanted to have a national home, and because of their experience with the Hindu majority rule they felt that they were bound to be treated as second class citizens with the transfer of power to the Indians

In view of these justifications for the demand of the Muslims, any reaction to the demand had to take note of the force in their arguments

The Muslim demand called for reactions by way of a support or disclaimer to it, or suggesting alternative schemes providing for the removal of the supposed grievances that were pointed out by the Muslims So some of the schemes were in the form of alternatives to the Pakistan scheme. As a matter of fact 'the Cripps Proposal' coming as it did, from the British War Cabinet itself in the form of almost a draft declaration, was one such alternative suggested. Prof. Reginald Coupland suggested his 'Regional Scheme' in his book *The Future of India.* Coupland based his scheme on what he called 'Regionalism' which he borrowed from Sir Sikandar Hayat Khan's scheme and adopted the scheme of regional delimitation conceived by Mr. M. W. M. Yeatts, Census Commissioner of India. Another scheme that was proposed as an alternative to Pakistan was the one by Sir Sultan Ahmad in his work *A Treaty Between India and the United Kingdom.* Sir Ahmad's scheme was based largely on the Cripps' Proposal itself but with some modifications. Sir Ardeshir Dalal in the course of some articles to the Press in May 1943 under the caption 'An Alternative to Pakistan' put forth his own scheme Dr. Radhakumud Mukherji pre-

sented his own scheme in a pamphlet "A New Approach to the Communal Problem", basing his suggestions largely on the Minority Treaties in Europe, particularly after the First World War. There were also some important suggestions made in the 'Sapru Committee's Proposals', and M. N. Roy's 'Draft Constitution of India' on this issue. The Communist Party of India expressed its support to the Muslim demand for Pakistan Another important alternative plan to Pakistan came from Mr. C. Rajagopalachariar. This came to be popularly called the 'C. R. Formula'. Mahatma Gandhi actually negotiated with the League on the basis of this C. R. Formula.

When so much of thinking was there, and a large amount of literature was being brought out on this important issue which was actually tied up with the more fundamental question of the transfer of power, an intellectual and a keen observer like Ambedkar could not remain inactive. He was seized of the problem and decided that he should express his considered views on the problem. A committee of the Independent Labour Party requested Ambedkar to prepare a report on Pakistan. Here was the opportunity for Ambedkar to express his views and share them with the public. The Report on Pakistan prepared by Ambedkar was accepted by the Independent Labour Party's Executive Council and it resolved that the Report be published It was first published in December 1940 under the title *Thoughts on Pakistan.* Soon, two more editions, with considerable revisions, were issued in February 1945 and 1946 as *Pakistan or the Partition of India.* This only indicates the popularity and, indeed, the usefulness of the book

In this work Ambedkar's objective was only 'to assist the student of Pakistan to come to his own conclusion' on this important issue of the day. In his Preface to the Second Edition, Ambedkar claims that "It is an analytical presentation of Indian history and Indian politics in their communal aspects.... The material relating to Indian history and Indian politics contained in this book is so large and so varied that it might well be called 'Indian Political What is What. . . .' I do not claim to have written dispassionately though I trust I have written without prejudice.... In dealing with the question of Pakistan my object has been to draw a perfectly accurate, and at the same time, a suggestive picture of the situation as I see it..."[3]

To Ambedkar, the question of Pakistan had assumed such serious proportions that it had to be tackled without any delay. It was so not only because the Muslims insisted upon it, but also because the British made an agreement among the Hindus and Muslims, a condition precedent for the devolution of political power. The issue was to be decided upon before the plans for a new constitution were finalised. The Hindus, who "could not avoid coming to grips with Pakistan", wrote Ambedkar, were to bear in their minds the following points:

> *The Hindus and Muslims must decide the question themselves.*
>
> *If the Hindus are hoping that the British will use force to put down Pakistan, that is impossible. 'Coercion as an alternative to Pakistan is unthinkable'.*
>
> *Muslims cannot be deprived of the benefit of the principle of self-determination. The right to self-determination that is claimed for the Hindus, cannot be denied to the other minorities by the British.*[4]

vert'. He claimed that whatever he had expressed in the book was only a collection of his thoughts on the problem and not the views. This, however, does not mean he did not have his own views on the problem. He did have and actually expressed some of them. Others were, of course, to be either gathered or derived. He presented the Muslim case for Pakistan; the Hindu arguments against it; and examined the alternatives to Pakistan as proposed by the Hindus on the one hand, and the Muslims on the other. He also put forth his own scheme and proposals to help evolve a more acceptable solution to the problem. The study was exhaustive enough, and perhaps the only work of its kind to be brought out at that time on the issue of Pakistan.

Ambedkar's study of the problem presupposed, on the part of the reader, a thorough knowledge of the development of the Muslim relations with the British on the one hand and the Hindus on the other throughout the period of constitutional development of India. Hence, it is necessary, at this stage, to present a survey of the developments in this regard A knowledge of these developments will be of immense value and help in evaluating the views of Ambedkar on the problem of Pakistan. The problem, in other words, will have to be set in its proper historical perspective.

The British Policy Towards the Muslims

The Hindu-Muslim tangle that resulted in the partition of India in the year 1947 as a prelude to Indian independence, was a part of the British designs in India. The communal question in India was not a question between the Hindus and the Muslims only. There was a third party, the most important party, the British. So it was a situation of a 'Communal Triangle', as Dr. Rajendra Prasad described it. He looked at it as a triangle 'with Hindus and Muslims as its two sides and British Government as the base'. As this base grew in size, it simultaneously widened the angle of difference.[7] Hence it is essential to refer to the British policy in this regard to appreciate the problem better.

The traditional conflict between Christianity and Islam in the world context is a part of one's knowledge of history. This enmity between the European and Islamic powers was to be

transformed into one of friendship, of course, under entirely changed circumstances of history. It is a commonplace thing that the basic principle of British approach towards India in the early stages was one of consolidating their position on the Indian soil by adopting any expedient that came in handy. While taking advantage of a situation of mutual strifes and conflicts among the Indian rulers, the East India Company saw to it that the Indians never joined hands against the British. They devised their military policy in such a way as to prevent a collusion between the Marathas, the Nizam and the Nawab of Carnatic, and later between Hyderabad and Tipoo Sultan. As the British historian Malcolm comments: 'Hindustan could never have been subdued but by the help of her own children'. The British policy of systematically dividing the Indian people was accomplished in a large measure by the beginning of the nineteenth century. The Mughal and the Māratha Empires were completely liquidated, but a number of small kingdoms were still there, scattered all over the land. But they were utterly incapable of holding out against the British onslaught. So the policy of *'Divide et Impera'*—divide and rule—was yielding the desired results. Naturally, the British clung steadfastly to this policy in India. Mount Stuart Elphinstone was only voicing the official policy of the British when he wrote: *'Divide et Impera* was the old Roman motto and it should be ours'. This policy helped greatly in establishing firmly the hegemony of the British in India. The East India Company came to be the indisputable ruler of the country by the middle of the nineteenth century.

The British, however, were never complacent. They had eyes and ears open to the state of the land, particularly to the Muslims, who were just then pulled down from Imperial position and from a place of privilege and authority in India. They were not looked upon by the British with any favour. At the same time, there was no dearth of religious zeal and reform among the Muslims. A great many Muslims attributed their decline, politically, to their degeneration from the ideals of Islam. So efforts were made for a religious rejuvenation with a view to regaining their position. Some movements like the *Wahabi Movement* were started by some of the Muslim religious zealots like Syed Ahmad Brelvi, who believed that the Sikhs and the Hindus constituted a danger to Islam. The *Wahabi*

Movement also preached the great doctrine of *Jehad* or *crusade*. These crusaders, guided by Muslim Canon Law declared their State as *Darul-Islam* and started the *Jehad* against what they called *Darul-Harb* (the State of non-Muslim rulers but with Muslim population) by organising an army of their own. Since India was *Darul-Harb*, their *Jehad* against India was justified, according to their own religious tenets. Moreover, one of the religious tenets of Islam was, according to Ambedkar, "in a country which is not under Muslim rule...a Muslim will be justified in obeying the Muslim law and defying the law of the land."[8] The British were kept informed of these military preparations by the Muslims against the Sikhs. They, however, did not interfere, as it was to their advantage that the Muslims fought the Sikhs. So they did not step in till the conquest of Punjab. When the British did step in, it was only to annexe Punjab by taking advantage of the feuds among the Muslims. Once that was achieved, the British government took necessary steps to liquidate the *Wahabi Movement*. Such a policy of Muslim repression was continued with great vigour, particularly after the Mutiny of 1857. Frustrated in their efforts to continue with *jehad* activity, the Muslims withdrew completely from the limelight. The British Indian Army was highly cosmopolitan in its composition, before the Mutiny. But the lessons of this event were such that the British reorganised the Army in India to compose it on tribal and regional basis with similar loyalties to offset each other. The Muslims were at a disadvantage in this field also. As a result of all these changes, the Muslims of India were completely impoverished in the post-Mutiny period.

Attempts were made in the post-Mutiny period to right the wrong done to them and rehabilitate them in the Indian society. A plea to this effect was put forward by Sir William Hunter.[9] He pleaded for justice for the Muslims; especially for a system of education that would suit them. The result was a change in the British policy and encouragement to what has come to be called the 'Aligarh Educational Scheme'. It should be noted here that pleas made by shrewd English observers like Sir Hunter, on behalf of the Muslims, was not entirely motivated by a sense of justice and fair-play, but they had the vision enough to anticipate the outcome of a possible Hindu-Muslim

unity which would be disastrous to the British. It is such a consideration that prompted them to encourage a policy of appeasement of the Muslims against the Hindus If not, how can one explain the conversion of even an avowed nationalist like Sir Syed Ahmad to advise the Muslims not to join the national movement? Sir Ahmad was one of those broadminded and patriotic nationalists, who bemoaned the down-trodden position of the Muslims and believed in the joint progress of the Hindus and the Muslims But a few years later he was converted to become the chief progenitor of Pakistan! The British realised the need for having a counterpoise to Indian nationalism that was appearing on the Indian political horizon The Muslims had to be brought under the protective wings of the British, instead of treating them with suspicion and disfavour The role of Mr Beck, the Principal of Anglo-Oriental College at Aligarh then, was significant

Mr. Beck's thesis was that there could be an Anglo-Muslim unity and never an Hindu-Muslim unity in this country. He propagated that the National Congress and the Cow-Protection programmes were the two Hindu instruments directed against the British and the Muslims respectively He naturally thought, an Anglo-Muslim alliance was an immediate necessity to thwart the Hindu designs. The Muslims were advised against the formation of any political organisation for safeguarding their interests On the other hand they were encouraged to get all that they wanted, by remaining loyal to the rulers—the British It was not until the British themselves wanted a Muslim organisation that one could be formed.

The British policy of encouraging the Muslims to a separate nationality was accepted with the dawn of the twentieth century. Lord Curzon did not hesitate to describe the Partition of Bengal as intended to create a Muslim Province in which the Muslims would have a preponderating voice, though it was ostensibly done for administrative purposes. Many Muslims were, naturally, taken in by such an open pronouncement by no less a person than the Viceroy himself. The seeds of dissension, thus sown, were nourished to full development by Curzon's successor Lord Minto, who received a delegation of Muslims headed by H. H. the Aga Khan. The Viceroy in his reply to their memorandum exhorted the delegationists to strive for getting repre-

sentation in the Councils at different levels, not only in proportion to their numerical strength, but also in respect of the political importance of the community. He suggested that they should be represented as a community, and through separate electorate. The policy was once again guided by expediency, as was evident from the line of thinking on Lord Minto's part in his Despatch to John Morley, the Secretary of State, on the Congress and the Muslims, dated 4th November 1906.[10] The memorandum of the delegation and the reply thereto were described by Lord Minto's biographer as a 'Charter of Islamic Rights'. As a result, separate electorates for Muslims were granted. The All-India Muslim League was founded in the year 1906 in the wake of this Muslim delegation to the Viceroy. Incidentally, it is an extremely curious coincidence that the All-India Hindu Mahasabha also came into being, the same year.

The birth of the Muslim League was indeed a great landmark in the political evolution of the Indian Muslims. It was the first Muslim organization for political activity. Its objectives were: '(1) To promote among Indian Moslems feelings of loyalty towards the British Government . . .; (2) to protect the political and other rights of the Indian Moslems and to place their needs and aspirations before the Government in temperate language; (3) so far as possible, without prejudice to objects mentioned under (1) and (2) to promote friendly feelings between Moslems and other communities of India.'

The role played by the British officialdom in the birth of the League was no less important. The Reforms of 1909 giving separate electorate to the Muslims in recognition of their services to the British Raj were the first constitutional victory for the Muslims.

Spell of Hindu-Muslim Accord

With the birth of the Muslim League the British Government could count on an organization of Indians themselves to support their policies and administration in India. The League, in its Annual Sessions, was passing resolutions in support of their policies including the partition of Bengal, separate electorates, the Reforms of 1909 etc. In fact, subsequent constitutional Reforms of 1919 and 1935 "mark the successive stages of growing strength and importance of the communal principle in

Britain's administrative practice in India, leading eventually to Partition in 1947".[11] The annulment of the partition of Bengal came as a rude shock to the Muslim League It heralded a period of estranged Anglo-Muslim relations The League had also to face another disappointment in the hands of the British. The policy of the British towards Turkey disillusioned them and the *Indian Muslims began realising the 'hallowness and insincerity'* of the British towards them. Here was an opportunity for the nationalist forces to win over the Muslims. This task was accomplished mostly by the powerful writings of Maulana Abul Kalam Azad in his Urdu Journal *Al-Hilal* and by others like Moulana Mohamad Ali. The outcome was a Resolution by the League at its Lucknow Session of 1913. The Constitution of the League was amended to redefine the object of the League. It was to be ". . . the attainment under the aegis of the British Crown of a system of self-government suitable to India, through constitutional means by bringing about, amongst others, a steady reform of the existing system of administration, by promoting national unity, by fostering public spirit among the people of India, and by co-operating with other communities for the said purpose."[12] Such an approach from the League was helpful in bringing the League and the Indian National Congress nearer, also paving the way for Hindu-Muslim accord

The Lucknow Pact

During the critical situation created by the First World War, the League and the Congress came to see eye to eye with each other and went to the extent of holding their Annual Sessions for 1915 at Bombay simultaneously. This is a pointer to the fact that the Hindu-Muslim problem, which became intractable later on could still be resolved amicably, given reason and understanding on both sides. The Session of the League was attended by prominent Congress leaders and the 1916 Sessions were also held in Lucknow simultaneously. It was here that the famous 'Lucknow Pact' of Hindu-Muslim amity was accepted, to which Mr. M. A. Jinnah was a party. This Pact of December 1916 was more in the form of a political bargain between the League and the Congress. The League was to lend its support to the Congress goal of *Swaraj* and the Congress, in return, was to support the Muslim claim for weightage in Legislatures.

The anti-Turkish policy of the British even after the war was quite alarming to the Muslims everywhere. The Congress, under the leadership of Mahatma Gandhi, lent total support to the Khilafat movement. This period was one of complete Hindu-Muslim understanding. But the much desired Hindu-Muslim unity, in which Gandhiji had put much faith, and which was an essential part of his political programme, could not be brought about on more enduring grounds. This 'marriage of convenience' between the League and the Congress under Gandhiji's inspiration was destined to bear unpleasant fruits. The Khilafat question was soon to lose its importance and it had also no relevance to the Indian situation, much less had it any political basis. The number of communal riots that took place from 1922 onwards was a positive proof of the failure of this arrangement. The British policies during the war helped this to a greater extent, and was intensified by the recommendations of 'the Sedition Committee' presided over by Sir Sydney Rowlatt. The Khilafat movement and the Jallianwalla Bagh tragedy enabled the Congress and the League to formulate a common line of action of non-violent non-cooperation. The events during this period and the common direction in which both the Congress and the League were moving, point out that it was the British policy of hostility to Muslims in Turkey that drove them towards the Congress. A friendly approach could still bring them nearer the British, as shown during the earlier years of the century.

Estrangement Again

As the time for a revision of the 1919 reforms approached, the Hindu-Muslim relationship underwent a rapid change and each community began to fight for what it regarded its legitimate interests. The bond of understanding between the Muslims and the Hindus during the period was weakened by the events in Malabar where Moplas and Hindus were at loggerheads, and by the *Shuddhi* movement started by Swami Shraddhanand. As a reaction to this, the Muslims started the *Tabligh* and *Tanzim* movements. This was the signal for a number of riots and desecration of Hindu places of worship. More important than these provocative incidents, the very nature of Muslim organization was responsible for the disintegration of the Hindu-Muslim accord, once the Congress stuck to the policy of non-violent

non-cooperation. The Congress was actually making a new approach to politics when under Gandhiji's direction it adopted the policies of non-violence and non-cooperation which was not intelligible to the Muslims. Mr Penderel Moon in his book *Divide and Quit* has this to say on this important turning point in the history of Hindu-Muslim relations:

> "So long as Congress was led by men like G. K. Gokhale, who spoke the familiar language of Western liberalism and Constitutionalism, Jinnah felt at home in it. But the growing influence of Gandhiji at the end of the First World War set it on unconstitutional paths and simultaneously gave it more pronounced Hindu complexion. To these developments Jinnah could not reconcile himself"[13]

This is also explained in terms of the very nature of the Muslim organization and politics

Ambedkar's masterly analysis, with a keen sociological sense, of the characteristics of Muslim politics throws ample light on this problem He has his own dig at the inherent attitudes of the Muslims towards things that are secular. Unlike M. N. Roy's approach to the Muslim outlook in his *Historical Role of Islam,* Ambedkar in his historic work *Thoughts on Pakistan* or *Pakistan or the Partition of India* castigates the anti-reformist tendency, which is basic to their religious convictions. This anti-reformist approach to social problems is necessarily reflected in the political life of the Muslims. This is very much true of India. Their interest in religion is much more than their interest in politics Ambedkar, commenting upon this aspect of the Muslim sociology, wrote.

> "Muslim politics takes no note of purely secular categories of life. Muslim politics is essentially clerical and recognises only one difference namely, that existing between *Hindus and Muslims. None of the secular categories of* life have any place in the politics of the Muslim community and if they do find a place—and they must because they are irrepressible—they are subordinated to one and the only governing principle of the Muslim political universe, namely, religion."[14]

This explains the utter unsuitability of the most secular sanctions like non-cooperation, civil disobedience, non-violence etc.,

devised by Mahatma Gandhi. They just could not appeal to the Muslims. The forging of such sanctions by the Congress contributed substantially to their further estrangement. Incidentally, it may also be noted here that all Muslim countries in the world have always remained non-secular or theocratic states including Pakistan. Pakistan has all along been a theocratic state with a deep-rooted antipathy towards secular states like India. It chose to found its constitution and political institutions on theocratic principles Pakistan has gone even to the extent of stipulating that only a Muslim can and should be the head of the State. The sanctions adopted by the Congress such as non-cooperation, boycott, civil disobedience and fast were, according to Ambedkar, a 'tragedy'. He said:

> "...Swaraj is as far as it has been, but the reckless use of sanctions has made partition of India starker, surer and nearer..."[15]

In the light of the foregoing observations of Dr. Ambedkar and others, an impartial observer should be inclined to think that Gandhiji failed to take note of the inherent and the basic nature of the Muslim outlook while forging such sanctions. As S Sinha remarks: "Probably the more important thing to remember is that even Mr. Jinnah was rather a symptom than a cause of the latter-day communal bitterness in the country. It was Gandhiji's incapacity to find a solution to the underlying political causes of Hindu-Muslim dissension which added grist to Mr. Jinnah's mill."[16] Gandhiji is alleged to have brought into this problem all kinds of irrelevant issues, thereby complicating further the solution to the communal problem. The Muslim apprehension that they run the risk of discriminatory treatment unless they got special guarantee by way of safeguards should have been adequately appreciated by the Congress. The Muslim demands were all centering round this psychology and they were naturally clamouring for as many safeguards as possible, which ultimately took the turn of a demand for separation due to a wrong strategy on the part of the Congress.

A Divided Muslim League

The introduction of the constitutional reforms under the Government of India Act, 1919, brought about a spate of controversy

in the country. Opinion was divided on this matter. Apparently, the Indians were not satisfied with the reforms and they put forward their own proposals for more reforms. But the British Government was resolutely opposed to any advance in constitutional matters at a quicker pace. The Congress was busy drafting a *'Swaraj Constitution'* and the Muslim League was also considering the possibility of joining hands with the Congress in this task. However, the opinion was divided within the League as to how far they could go in co-operating with the Congress.

In the meantime the Conservative Government in England announced the appointment of an All-White Statutory Commission in November 1927 under the chairmanship of Sir John Simon to report on the working of the Reforms of 1919. The Commission was boycotted by the Congress for its all-white composition. But the British tried to utilise even this opportunity to drive a wedge between the different sections of the Indian society. A note of advice from Lord Birkenhead, the then Secretary of State, to Sir John Simon is significant in this context. He wrote to the Viceroy in February 1928:

> "I should advise Simon to see at all stages important people who are not boycotting the Commission, particularly Moslems and the depressed classes. I should widely advertise all his interviews with representative Moslems. The whole policy is now obvious. It is to terrify the immense Hindu population by the apprehension that the Commission having been got hold of by the Moslems, may present a report altogether destructive of the Hindu position, thereby securing a solid Moslem support and leaving Jinnah high and dry "[17]

The policy of 'Divide and Rule' was thus to bear fruit, perhaps an evil fruit, once again. The Muslim League came to be split into two wings to the extent that one could feel that they constituted two separate organizations. One group, that was led by Sir Muhamad Shafi, was making unacceptable and extreme demands. The group was actually British-inspired and that for acting as a counterblast to Mr. Jinnah, who was not an 'irreconcilable communalist' till the late thirties. The British did not trust him. It is the most secular approach that was made in the Nehru Report of 1928 that paved the way for the two wings of the League to come together, ultimately.

In the meantime, the Congress convened an All-Party Conference to draft the proposed constitution of India as a reply to Birkenhead's challenge to put forward an agreed form of constitution. A committee of the All-Party Conference was successful in framing a constitution for India. The Committee under the chairmanship of Pandit Motilal Nehru gave the constitution, that was adopted with slight modifications in December 1928 at the All-Parties' Convention at Calcutta The proposed constitution was based on what was called 'the Nehru Report'. Incidentally, it may be noted here that the Constitution of India owes a good deal to some of the basic ideas of this Nehru Report. It is particularly so with regard to the problem of the minorities. It provided a more realistic arrangement for safeguarding the interests of the Muslims. The Report had suggested overwhelming legislative weightage to the Muslims in those Provinces where they were a clear minority and none in those Muslim majority Provinces like Punjab and Bengal. The assumption, perhaps, was that they would naturally get a preponderating position in such provinces. This should have been an ideal solution to the problem, and some Muslims were in fact happy over it. But the British attitude was one of indifference to such a solution for understandable reasons. They wanted the problem to be kept simmering, without reaching a solution. Even within the League there was a section that was already gaining strength in opposition to the solution put forward in the Nehru Report. The objections, as they were raised by a section of the League, also centred round the quantum of representation of the Muslims in the Central Legislature and such other matters. Mr. Jinnah moved a resolution incorporating the League's objections and demands at the Convention and that was rejected. The nationalist Muslims in the League were for accepting the Nehru Report with some amendments.

The other wing of the League was, in the meantime, busy summoning a Muslim All-Party Conference in Delhi which was presided over by H. H. the Aga Khan on 31st December 1928. Those Muslims who were embittered over the All-Party Convention of Calcutta attended this Muslim Conference. But the All-India Muslim League refused to attend the Conference. The Conference, however, passed its own Resolution declaring emphatically "that no constitution by whomsoever proposed or

devised would be acceptable to Indian Musalmans unless it conformed with the principles of this Resolution."[18]

Jinnah's Fourteen Points

Mr. Jinnah, who was by now the 'leading light and guiding spirit' of the All-India Muslim League, strived at bringing about rapprochement between the two groups of Muslims. The outcome was the famous 'Fourteen Points' of Mr. Jinnah, formulated to safeguard the rights and interests of the Muslims. The fourteen points included those relating to the Muslims' right to cow-slaughter, giving up of *'Bande-Mataram'* song, and tricolour flag; declaring Urdu as the national language, which were all extravagant, impertinent and irresponsible claims. They demanded representation in Legislatures which shall not be less than 1/3 and that by separate electorates. Mr. Jinnah's Fourteen Points were important in so far as they were later on complied with to a certain extent in the 'Communal Award' of Mr. Ramsay MacDonald. The Nehru Report had envisaged Dominion Status for India and the Indian National Congress made it clear that failing to get Dominion Status within one year of the Report, its goal would change from Dominion Status to one of 'Swaraj' or 'complete Independence', as provided for in Article I of the Constitution of the Congress

The year 1929 witnessed intense political activity in the country. Lord Irwin, the Viceroy, announced the decision to call the representatives of different parties and interests in British India and the States to meet in a Round Table Conference It was not clear whether the Conference would discuss the question of framing a scheme of Dominion constitution for India. Failing to get a categorical assurance from the Viceroy, the Indian National Congress decided to launch a programme of Civil Disobedience Movement, including non-payment of taxes. In its 'Resolution on Complete Independence and the Round Table Conference' passed by the Lahore Session of the Indian National Congress on 31st December 1929, it decided not to attend the Round Table *Conference and declared complete independence as its goal. It* also authorised the launching of the Civil Disobedience Movement which was actually launched in March 1930 and lasted for over a year.

The First Round Table Conference met in London as

scheduled, but the Congress did not participate. The representatives of the Muslims, the Princes and the Depressed Classes participated. The consensus on the minorities' problem was to maintain the system of separate electorates; and to create a Federal Polity. As a result of the Gandhi-Irwin Pact, Mahatma Gandhi attended the Second Round Table Conference in 1931 as the 'sole' representative of the Indian National Congress.

The participation of Gandhiji was welcome in so far as it brought an important and a larger body to the Conference Table. But Gandhiji instead of presenting an united front at the Conference by taking into confidence other delegates from India, started questioning their very right to represent India. From the tenor of his speeches it was clear that in his opinion other Indians at the Conference were not the real representatives as they did not have representative mandate and he alone represented the country. He told the Minorities Committee that *the Indian delegation was defective in so far as it was nominated* by the Government and not elected by the people or the parties.[19] Such an attitude on his part was probably due to his successful compromise with the Government in the Gandhi-Irwin Pact, which enabled the Congress participation at the Conference. It was rather unfortunate. Ambedkar deplored this attitude on the part of the Mahatma in the following words:

> "Instead of unifying the Indian delegation, Mr. Gandhi widened the breach. From the point of *view of knowledge* (of constitutional problems), Mr. Gandhi proved himself to be a very ill-equipped *person*. . . ."[20]

According to Ambedkar, Gandhiji had many platitudes but no constructive suggestions to offer on the constitutional and *communal questions Gandhiji should have* gone to the Conference with a band of able and expert advisers to assist him in presenting the case for constitutional reforms in India. Speaking at the Plenary Meeting of the Second Session on 30th November 1931 Gandhiji referred to the Hindu-Muslim problem, besides other issues. Gandhiji believed that it was quite possible for the Hindus and Muslims to live together in harmony as they have *done all along. The minorities problem in* India was due to the extraneous elements and it will remain unsolved so long as *those* forces operated. He declared ". . . so long as the wedge in the

shape of foreign rule divides community from community and class from class, there will be no real living solution, there will be no living friendship between these communities. It will be after all and at best a paper solution. But immediately you (the British) withdraw that wedge, the domestic ties, the domestic affections, the knowledge of common birth—do you suppose that all these will count for nothing?"[21] He hoped and believed that *the communal discord and the attendant minorities' problem in* India would disappear "... immediately this relationship, the unfortunate, artificial, unnatural relationship between Great Britain and India is transformed into a natural relationship, when it becomes, if it does become, a voluntary partnership to be given up, to be dissolved at the will of either party, when it becomes that you will find that Hindus, Mussulmans, Sikhs, Europeans, *Anglo-Indians, Christians, Untouchables, will all live together as* one man"[22] So the minorities problem would disappear along with the British rule, and hence it should not come in the way of Indian Independence When Gandhiji was holding such a view, there was no question of his contributing constructively to the solution of the minorities problem at the Round Table Conference. He did not support the 'Minorities Pact' forged by the *Muslims, the Depressed Classes, Indian Christians and others for* settling the communal problem. Gandhiji, on the other hand, was furious and attacked everybody who was responsible for it, particularly for the recognition given to the Untouchables as a separate political entity. He was reconciled to the idea of giving some safeguards to the Muslims and the Sikhs but not to the Untouchables So nothing tangible could be produced by way of *an agreed solution to the communal tangle in the Round Table* Conferences. As such, the British Prime Minister was constrained to give his 'Communal Award' in the form of an imposed solution.

The Communal Award and the Muslims

The Communal Award of 1932 upheld one 'exceptional form of representation'—the separate electorates—to different minority communities, including the Muslims, so long it was necessary. Mr. Ramsay MacDonald in his statement said:

> "...only Indians themselves can settle this question. The most that Government can hope for is that their decision

will remove an obstacle from the path of constitutional advance and will thus enable Indians to concentrate their attention upon solving the many issues that still remain to be decided in the field of constitutional advance...."[23]

The provisions in the Communal Award were as follows, in so far as they referred to the Muslims:

> Election to the seats allotted to Muhammedan, European and Sikh constituencies will be by voters voting in separate communal electorates covering between the whole area of the Province (apart from any portions which may in special cases be excluded from the electoral area as 'backward').
>
> Provision will be made in the Constitution itself to empower a revision of this electoral arrangement after 10 years with the assent of the communities affected, for the ascertainment of which suitable means will be devised.[24]

This arrangement was only with regard to the Provincial Legislatures, as a decision regarding the Central Legislature was deferred. The Muslim League gave its limited support to the Communal Award, while the Congress rejected it in toto and demanded a Constituent Assembly of India "elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the Minorities to have their representatives elected exclusively by the electors belonging to such Minorities."[25]

The Unity Conference

At this juncture there was an attempt at forging some understanding and evolving an agreeable suggestion to modify the Communal Award and providing a substitute for it. Maulana Shaukat Ali and Pandit Madan Mohan Malaviya held preliminary talks which were quite encouraging. Shaukat Ali sent a telegram to the Viceroy appealing for the release of Mahatma Gandhi to facilitate negotiations between the Hindus and Muslims. The response was not helpful, any way. Undeterred by this, the All-Parties Muslims Conference approved of Malaviya's suggestion for the appointment of a Committee of the Muslim Conference to meet the representatives of the Sikhs and the Hindus to negotiate an agreed solution. The Unity Conference met at Allahabad on 3rd November 1932, attended by the Hindus, Sikhs, Muslims and Indian Christians. A sub-committee of 10 members passed a

number of Resolutions with a large measure of understanding and co-operation. But on the question of European representation in Bengal there could be no agreement in the absence of the representatives of the Europeans

At this juncture the announcement by Sir Samuel Hoare of the Government's decision to allot 33 1/3 per cent of British Indian seats in the Central Legislature to the Muslims, and not only to constitute Sind into a separate Province, but also to provide it with adequate finances as subvention from the Central Government was made.[26] It was not guided by considerations such as administrative convenience It was done, as Ambedkar looked at it, "to place in the hands of the Muslims or the Muslim Provinces an effective weapon to tyrannize their Hindu minorities, in case the Muslim minorities in Hindu Provinces were tyrannized by their majorities ... It is a scheme of communal hostages, which is unsupportable by any standards".[27] This grant was much more than what any other arrangement could give to the Muslims. Naturally, they lost interest in the efforts of the Unity Conference The British Government thus, nicely wrecked the prospects of an agreed substitute for the Communal Award among the concerned parties The only amendment to it was in terms of the Poona Pact. A similar agreement among other communities was completely frustrated by the timely and calculated announcement by the Government All subsequent efforts, the one in 1935 for example, to bring about an agreed settlement between the two communities hopelessly failed.

They were destined to fail in view of the fact that there was something wrong with the very atmosphere in India in which the Muslims lived Specially in the twentieth century developments, one could see a rivalry developing among them to establish the supremacy of each over the other. The Muslim approach to politics was guided by religious considerations as already examined. They wanted to use modern politics for re-establishing their lost supremacy. It was something of a perpetual struggle that was being waged between the Hindus and Muslims for supremacy. So both the Hindus and Muslims were in a race for armament, according to Ambedkar. He elaborated on this point in the following words:

"If the Hindus have the Banaras University, the Musal-

mans must have the Aligarh University. If the Hindus start *Shuddhi* movement, the Muslims must launch the *Tablig* movement. If the Hindus start *Sanghatan*, the Muslims must meet it by *Tanjim*. If the Hindus have the R.S.S S., the Muslims must reply by organizing the *Khaksars*. This race in social armament and equipment is run with the determination and apprehension characteristic of nations which are on the war path The Muslims fear that the Hindus are subjugating them. The Hindus feel that the Muslims are engaged in reconquering them. . . ."[28]

In such a vicious circle how could any negotiations for political settlement succeed?

The Government of India Act, 1935 *and the Muslims*

The Muslim League in its Resolution at the Bombay Session of April 1936 recorded its emphatic protest against the new constitutional arrangement, which was unsatisfactory in so many respects, being imposed on the people of India. It called the Federal Scheme "fundamentally bad. It is most reactionary, retrograde, injurious and fatal to the vital interests of British India *vis-à-vis* the Indian States, and it is calculated to thwart and delay indefinitely the realization of India's most cherished goal of complete responsible government and is totally unacceptable."[29] It opined that the Provincial Scheme may be utilized for what it was worth. The Indian National Congress rejected it in its entirety. However, the Congress in its Resolution of 14 April, 1936 decided to participate in the elections for the Provincial Legislatures under the Act, in case they were held. This decision was certainly inconsistent with its rejection of the 1935 Reforms in toto. The Congress was, perhaps, not prepared to forego an opportunity to come to power through the elections. Therefore, it decided that the ". . . .candidates should be put forward on its behalf to contest such seats in pursuance of its declared policy. Such candidates must be chosen from those who fully support the Congress objective of Indian independence and pledge themselves to carry out its policy in regard to the Legislatures."[30]

At the General elections of 1937 the League also participated with its election manifesto, in which it referred to the language question and indirectly to the question of separate electorates,

The manifesto advanced the claims of the Muslim League. As *Coupland puts it:*

> ". . . Its main theme was the co-operation of the League with the Congress in the common task of national liberation. The Lucknow Pact of 1916 was hailed as 'one of the greatest beacon lights in the constitutional history of India' and as 'a signal proof of the identity of purpose, earnestness and co-operation between the two great sections of the *people of India'. From that time onwards the Moslems* had 'stood shoulder to shoulder with sister communities' in the cause of Indian freedom. If they demanded that their minority position should be safeguarded in the structure of the constitution, that was not communalism. Anyone conversant with world history would realise that this was a natural claim and that its acceptance was essential in order to obtain the 'wholehearted and willing co-operation of the minorities who must be made to feel that they can rely upon the majority with a complete sense of confidence and security'."[31]

From this declaration of the League it is clear that the League was adhering to its demand for adequate safeguards through the separate electorates, and was establishing its credentials to be called an organization fighting for the freedom of the land from the British rule.

The Muslim League either did not set up candidates in all the Provinces for the Muslim seats or did not win them at the 1937 elections The Congress set up candidates for most of the non-Muslim general seats, but only a few candidates for the Muslim seats. The Muslim League was unable to secure any of the seats in the four Provinces, and a majority of even the total Muslim seats in the Provinces like Bengal, the Punjab, the North-West Frontier Province and Sind, where the Muslims were actually in a majority. It could not, therefore, form the Ministry in any of the Provinces on its own strength. While the Congress had clear majority in five Provinces and in another two *Provinces—Bombay and N.W. Frontier Province—it could form* Ministry with the support of candidates returned as Independents. The Congress expressed its unwillingness to form coalition Ministries in other Provinces. This particular decision of the Congress, naturally, enraged the Muslim League and it started insinuating the Congress Ministries with charges of tyranny and

oppression against Muslims. The League charged that the Congress Ministries were committing 'atrocities' upon the Muslims. The adoption of *Bande Mataram* song, the tricolour flag, the mass-contact programme, the Wardha Scheme of Basic Education, which formed the programmes of the Congress Ministries, were considered as attacks on the Muslims and their culture. The Hindu-Muslim riots were enough to prove this, as claimed by the Muslims.

One of the important trends that could be noticed is that the Muslim League was by no means the sole organization of the Muslims. The results indicate that there were a large number of non-League Muslims. Hence its claim to be the only representative body of the Muslims was highly exaggerated. The majority of Muslim seats had actually gone to the non-League candidates. To extricate itself from this awkward situation, the League was clamorously demanding its recognition by the Congress as the sole representative of the Muslims of India. On similar lines the Indian National Congress should treat itself as the sole representative body of the Hindus. Another important trend was that the Congress emerged as a strong force. Even the *London Times* of 9th March 1937, commenting on this aspect wrote: "Once again the Indian elections have shown that the Congress Party alone is organized on more than a Provincial basis.... The Party's proposals have been more positive and constructive than those of its opponents.... The Party has won its victories... on issues which interested millions of Indian rural voters and scores of millions who had no votes."[32]

Notwithstanding its strong position, the Congress decision to form ministries on a 'unitary' basis closing the doors of power to others, particularly to the League, was subject to severe criticism then, and even now in retrospect. As revealed by Maulana A. K. Azad in his book *India Wins Freedom*, he (Azad) 'had advocated, and Mahatma Gandhi appears to have supported' the idea of coalition ministries. But the High Command had turned down the suggestion, the consequences of which were fatal. This decision of the Congress "helped to build up the Muslim League as the pre-eminent party of the Muslim community, thereby also helping to make it the architect of Partition, which was by no means 'inevitable' as Mr. Penderel Moon has shown."[33] Mr. Sinha thinks, in perspective, that if the coalition Ministries were

to be formed it would have paved the way for the emergence of a united, independent India. Hence a 'golden opportunity' to bring about an United India was missed, never to come back, an unfortunate development indeed. Ambedkar had this to say on the question of coalition ministries: "... The position taken by the Congress...is indeed a covert attempt to break all other parties in the country and to make the Congress the only political party in the country. The demand for signing the Congress Pledge (a condition to be fulfilled by anyone before he could be taken into the Congress Ministry) can have no other intention. This attempt to establish a totalitarian state...meant the political death of the Muslims as a free poeple."[34]

The Congress argument against coalition Ministries was that it would be inconsistent with the principle of collective responsibility, and the Congress was doing everything to safeguard the interests of the Muslims. This did not satisfy the critics, as the principle of constitutional responsibility was not so much crystallised in those days. The exclusion of a people from political power deliberately creates and deepens the schism. The Congress could have recognised the minorities as free and equal partners by allowing them to share the political power. It was rather surprising as it is distressing that even Mr. Jawaharlal Nehru, who was at the helm of the Congress party's affairs at the time, could not see the wisdom of it. Writing on the 1937 Elections in his book *The Discovery of India*, Mr. Nehru says:

> "The question of Congressmen joining other groups to form coalition governments was considered, although there was no necessity for this as the Congress had clear majorities. Still it was desirable to associate as many people as possible in the work of government There was nothing inherently wrong about coalition at all times, and indeed some form of coalition was agreed to in the Frontier Province and in Assam."[35]

Even in these cases, it should be noted, it was not a coalition in the strict sense of the term. As already pointed out, only those Independent candidates and others who were willing to subscribe to the Congress programme and pledge were associated with the Ministries. But the crucial question was one of entering into coalition in Mr. Nehru's home-Province, the United Pro-

vinces. He could have set an example and a pattern for the rest of the country by agreeing to form coalition Ministry in that Province. In the 'flush of victory' the Congress failed to see the far-reaching consequences of its decision. Maulana Azad had the following to say on this issue:

> "...it was in the U.P. that the League had its greatest success, mainly on account of the support given to the League by *Jamiat-ul-Ulema-Hind.* The Jamiat had supported it under the impression that after the elections, the Muslim League would work in co-operation with the Congress... This was a most unfortunate development. If the U.P. League's offer of co-operation had been accepted, the Muslim League party would for all practical purposes have merged in the Congress. Jawaharlal's action gave the Muslim League in the U.P. a new lease of life. All students of Indian politics know that it was from the U.P., that the League was reorganised.. which ultimately led to Pakistan."[36]

The Communal Estrangement Deepens

The leaders of the Muslim League had the impression that the Congress had undertaken to form coalition ministries, but when they found clear majorities for themselves, they (the Congressmen) resiled from their position. This was the decisive event that made Partition inevitable. It should also be noted in this connection that the position of the princely states, that were to play the role of a third force in balancing the Hindus and Muslims in the federation, was likely to be upset radically with the growing influence of the Congress in the late thirties. The estrangement that developed on the coalition ministries went on deepening day by day; and the day of resignation by the Congress Ministries on the issue of the Second World War in 1939, was observed by the League as 'a day of deliverance'; to exhibit the depth of their resentment to the Congress rule. The Congress opposition to committing India to the War was completely ignored by the British. The subsequent declarations of the British were intended to support the stand of the League. The Federal part of the Act was suspended. No constitutional proposals would be presented, which did not have the approval and consent of the important sections in the national life of India, including the Princes, the Musalmans, the Scheduled Castes etc. Encouraged,

to be formed it would have paved the way for the emergence of a united, independent India. Hence a 'golden opportunity' to bring about an United India was missed, never to come back, an unfortunate development indeed. Ambedkar had this to say on the question of coalition ministries: "... The position taken by the Congress...is indeed a covert attempt to break all other parties in the country and to make the Congress the only political party in the country. The demand for signing the Congress Pledge (a condition to be fulfilled by anyone before he could be taken into the Congress Ministry) can have no other intention. This attempt to establish a totalitarian state...meant the political death of the Muslims as a free people."[34]

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perhaps, by this preferential treatment from the British, the Muslim League passed the disastrous Resolution at its Lahore Session in March 1940 demanding the creation of a separate independent state for the Muslims.

During this period there was a spurt of activity by way of meetings and negotiations among the leaders of the Congress and the League. Mahatma Gandhi expressed his willingness, as always, to meet Mr. Jinnah for settling the Hindu-Muslim differences. Mr Nehru also did his utmost in this direction, but without any effect. He writes in *The Discovery of India.*

> "I was terribly depressed by these developments...violence, vulgarity, and irresponsibility were on the increase, and it appeared that they were approved of by responsible leaders of the Moslem League. I wrote to some of these leaders and begged them to check this tendency but with no success..."[37]

Mr Nehru also wrote several times to Mr Jinnah to know what he had in his mind regarding the Muslim demands, but never got a satisfactory reply. This surprised Mr. Nehru and he felt absolutely helpless. Mr. Nehru was corresponding with Mr. Jinnah in his capacity as the President of the Indian National Congress. Mr. Jinnah was even invited to attend the First Executive Meeting of the Congress since the outbreak of the Second World War But Mr Jinnah did not attend The Congress continued its efforts through correspondence, despite the reticence of Mr Jinnah

Mr. Jinnah, on the other hand, was busy corresponding with the British Government and was emphasising during his meetings with the Viceroy that the British Government should not commit itself to any arrangement regarding the future constitution of India or any interim settlement with any other party without the League's consent. The sum and substance of the Muslim demands since the Lahore Resolution were that:

(*a*) Pakistan should be conceded;
(*b*) in the interim expansion of the Viceroy's Executive Council there should be equal number of Muslims and Hindus; and
(*c*) the Muslim nominees should be the nominees of the

Muslim League alone. Mr. Jinnah went to the extent of asking that power be transferred to the Muslims, which was appreciated by the Viceroy. The British conceded all these demands, thereby encouraging the League to play the desired role. This was made in the 'August Offer' of August 8, 1940.[38]

There was nothing strange in this approach of the British to the League's demands. It had always been that. As Ambedkar said. "...every time a proposal for the reform of the constitution comes forth the Muslims are there, ready with some new political demand or demands... The more the Muslims demanded the more accommodating the British seem to become. At any rate, past experience shows that the British have been inclined to give the Muslims more than what the Muslims had themselves asked", as for example in the Lucknow Pact and the Communal Award.[39]

Mr. Amery actually marked the differences among the different communities in India as responsible for constitutional deadlock in India; and to solve the same a bilateral approach was no longer possible. It should be a multilateral one. "In this race between Muslim League demands and British Government concessions", writes Rajendra Prasad, "the League is always ahead of the British Government by a few lengths, and the Hindu majority and all other minorities cannot have even an entry. No wonder the base of the Communal Triangle lengthens and the angle of communal difference widens."[40] Such an approach of communal demands and grants of concessions characterised the pre-independence politics of India. It was rightly described by Ambedkar as a sort of a logical syllogism He says:

> "The major premise in the syllogism is that where there exists an element in the national life of India, which is definable as a separate and distinct element, it is entitled to constitutional safeguards. An element, making a claim for constitutional safeguards, just show that it is definable as separate and distinct from the rest. If it shows that it is separate and distinct, its right to constitutional safeguards is held admissible."[41]

This silent postulate has worked all along in spite of the fact that the "Constitution of India has not been formed in the light of

principles. It has grown in a haphazard manner, more in answer to exigencies than in accordance with principles."[42]

The Congress policy towards the Muslims, and particularly the idealistic approach of Gandhiji, contributed in no less a measure to the working of this 'silent postulate'. Gandhiji was expressing his anxiety to meet Mr. Jinnah and come to an agreement by a heart-to-heart talk with him. The efforts naturally were confined by Gandhiji to a purely personal plane. But the effect of this anxiety on the part of Gandhiji only helped to enhance the prestige and importance of Mr. Jinnah. His price went up every time Gandhiji sought an interview with him, as commented by Maulana A K. Azad. It was crystal clear to even a casual observer that Mr. Jinnah and the Muslim League were only putting forward their demands in successive stages, only to wring out from the British and the Hindus as many concessions as they could. They used even their Lahore Resolution of 1940 for a separate State as a mere bargaining counter. To start with, the demand for Pakistan based on the 'sectarian nationalism' of the Muslims was a mere political slogan advanced for purposes of strategy in the process of extracting more privileges for the Muslims. But the idea was so very fascinating that it ultimately caught the imagination of not only Mr. Jinnah but the Muslim masses too. Mr. Jinnah was an astute leader who could foresee the shape of the coming events He felt he was pushed into a position of power to achieve the Muslim State. He naturally thought, if he could do it, why should he not? The emotional upsurge among the Muslims was properly utilised by Jinnah. The tactical blunders and the errors committed by the Congress helped him in no less a measure. But the approach of panic by Gandhiji and others gave it a complete degree of seriousness, and the Muslim League was helped to emerge as the only Muslim organization, thereby completely by-passing the options of a large number of non-league Muslims! The assessment of this situation by Maulana Azad is revealing enough. He observed: "In fact, it is doubtful *if Mr. Jinnah could ever achieve supremacy but for Gandhiji's* attitude. When in July 1944 I read the report that Gandhiji was corresponding with Mr. Jinnah and going to Bombay to meet him, I told my colleagues that Gandhiji was making a mistake. His action would not help, but on the contrary aggravated the political situation."[43] In the light of these developments of 1920-40, one

can conclude that Mahatma Gandhiji's efforts to bring about Hindu-Muslim unity were a complete failure because, as a pro-Congress daily is reported to have written in 1926 itself. "...To talk about Hindu-Muslim unity from a thousand platforms or to give it blazoning headlines is to perpetrate an illusion. . . . The millions in India can only respond when the unity song is not only on the tongues of the leaders but in the hearts of the millions of their countrymen."[44] So the hope for such an unity was bound to remain an unfulfilled ambition. In fact it was Mahatma Gandhi who gave Mr. Jinnah the appellation of *Qaid-i-Azam*, which further elevated his status. Mr. Nehru spoke of Mr. Jinnah in the Congress circles as the 'Ambassador of Hindu-Moslem Unity'![45]—a very odd compliment indeed!!

A resolution passed by the Madras Congress Legislative Party in 1942, resportedly inspired by Shri. C. Rajagopalachariar, urging the A.I.C.C. to concede the Muslim demand, indicates further the Congress folly inasmuch as it amounted to encouraging the League to stick to its claims. This was obviously a counsel of despair, toeing the line of least resistance. If such could be the Resolution of a constituent of the Indian National Congress as early as 1942, how could any one prevent the vivisection of the country and the creation of a separate Muslim State? In view of these developments another opportunity that was afforded by the Cripps Proposals, (its defects apart) for the Indians to overcome the deadlock, was missed. Cripps Proposals were rejected by Gandhiji himself with his characteristic remark that they were like 'a post-dated cheque issued on a bank that was obviously failing'. Gandhiji rejected them outright, obviously, owing to its possible repercussions on the communal situation. The main objection of the Congress to the Cripps Proposals was due to the 'non-adherence clause' which provided that 'any Province or Provinces, which were not prepared to accept the new constitution should be entitled to form a separate Union and the States should be similarly free to adhere to the new Constitution or not'. The Congress thought that according to this provision Pakistan was a possibility. The League also rejected the Cripps Proposals for the same reason that Pakistan would only be a possibility and not a certainty, if the proposals were to be accepted. The proposals could not, therefore in anyway, help clear the communal misunderstanding and the constitutional deadlock in the country.

The Last Minute Efforts

The situation in the country was actually deteriorating to serious depths and the Muslim League's call for 'Direct Action' in 1946 could not be prevented. The British tried to set up a Congress-League Executive Council, once again under pressure of international opinion and also as the War in Europe was coming to a close. The failure of the 'Quit India' movement and the passage of the Madras Resolution of the Congress Legislative Party had made the position of the League *vis-à-vis* the Congress stronger. Lord Wavell, the new Viceroy, was determined to bring about a rapproachement. The Simla Conference was convened where proposals, almost similar to that by Cripps, were made. Gandhiji was in a mood to accept them this time, but not Mr. Jinnah. The Simla negotiations failed this time due to the intransigence of Mr. Jinnah on the question of communal composition of the Council.

With the closure of the Second World War and the exit of the Tories in favour of the Labour Party in power in Britain, the pace in Indian constitutional development was accelerated. The Congress and the League accepted the proposals of the Cabinet Mission. The Congress too accepted it, even though it was "designed to give the Muslims almost unlimited powers, where they were in a majority, viz. Bengal, the Punjab and the Frontier Province. In other words, this would have given the Muslim League the substance of Pakistan without the disadvantages entailed by the creation of a separate state."[16] The Cabinet Mission Plan was generally welcomed as a reasonable solution of the communal problem and it was a particularly welcome arrangement as it did not divide the country. But soon the people were to face the severest disappointment in this respect also. The nation was shocked to hear Mr. Jinnah announce the withdrawal of the League's support to the Cabinet Mission Plan on most flimsy grounds. The reason given was the apprehensions created in their minds on some remarks reported to have been made by Mr. Jawaharlal Nehru, who had suceeded Maulana Azad as the Congress President, at a Bombay Press Conference about the Congress participation in the proposed Constituent Assembly. This repudiation which 'meant the end of Indian unity and eventual partition' of the country, was largely due to still deeper forces that were influencing Mr. Jinnah's line of thinking and course of

action. The British, particularly the die-hard Tory sections, were not prepared to reconcile themselves to Indian freedom, much less to an united Indian nationalism. "When Indian freedom became inevitable in the post-war circumstances," writes Mr. S. Sinha, "the main Tory concern was to leave India divided and weak, so that she would find it difficult, if not impossible, to play an independant role, either politically or economically."[47] They succeeded completely inasmuch as they left a divided India and a divided Indian nationalism. The British quit India only by dividing it. In this comprehensive historical setting, we can now proceed to consider the problem of Pakistan as analysed by Ambedkar.

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[24] *Ibid*, pp. 262-63.

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[26] Speech by Sir Samuel Hoare, IRTC, 24th December, 1932, *Proceedings*, p. 136.

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[29] *Ibid*, p 385.

[30] *Ibid*, p 385.

[31] Reginald Coupland, *The Constitutional Problem in India*, Part II, 1944, p. 14

[32] Quoted in Sasadhar Sinha, *Indian Independence in Perspective*, pp. 181-82

[33] Sasadhar Sinha, *op cit.*, p 182

[34] B R Ambedkar, *Pakistan or the Partition of India*, p 27

[35] *The Discovery of India*, 1966, p 390.

[36] *India Wins Freedom*, pp 160-61.

[37] *The Discovery of India*, p 411

[38] Reginald Coupland, *op cit*, Part II, p 311

[39] B. R Ambedkar, *Pakistan or the Partition of India*, p 255

[40] Rajendra Prasad, *India Divided*, p. 171.

[41] B R Ambedkar, *What Congress and Gandhi Have Done to the Untouchables*, pp 181-82

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[43] Maulana Abul Kalam Azad, *India Wins Freedom*, p 93.

[44] Quoted in *The Times of India*, 16th August 1926

[45] Jawaharlal Nehru, *Autobiography*, 1936, p 67.

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CHAPTER

6

Pakistan Or No Pakistan ?

THE MUSLIM demand for Pakistan was an issue of immense importance and keen debate during the thirties in the public life of the country. It is already pointed out that Ambedkar tried to look at the demand for Pakistan as a dispassionate observer. His views were those of an individual, interested in placing before the public the facts of the situation in helping them to form their own opinions on this important issue. He was not applying standards of speculative philosophy, as he was never one such, and his approach was that of a pragmatist. He also tried to be free from sentiments and emotions, as it would only vitiate the issue. So to him, the demand for Pakistan was in the natural course of development. The Lahore Resolution was only giving expression to what had happened in the country. This idea of "linking of these Provinces", says Ambedkar, "is an age-old project put forth by successive Viceroys, Administrators and Generals. . . . Punjab and North-West Frontier Province constituted a single Province ever since Punjab was conquered by the

British in 1849."[1] This continued to be so till 1901. As to the Sind, if Punjab were to be under the British control by then, it would have been connected with Punjab. In the absence of it, Sind had to be tagged on to Bombay Province—the only place from where Sind could be administered! Once the Punjab was conquered, the idea of joining Sind with Punjab was mooted, but was postponed on grounds of financial difficulties, lack of communications etc. There was also a proposal to create a trans-Indus Province which was not approved by the Secretary of State. "Had the British not acquired Baluchistan", wrote Ambedkar, "and had Lord Curzon not thought of carving out the N-W.F.P. out of the Punjab, we would have witnessed long ago the creation of Pakistan as an administrative unit"—though not as a separate state. Of course, then, such a question did not arise at all.[2]

Even with regard to the demand for the Muslim areas in the Eastern part of the country, the idea was not new and strange. In this connection, the partition of Bengal in 1905 by Lord Curzon must be mentioned. Bengal was partitioned into Eastern and Western Bengal for administrative purposes, as claimed by Lord Curzon. But in fact it "was an attempt to create a Muslim state in Eastern Bengal inasmuch as the new Province of Eastern Bengal and Assam was, barring parts of Assam, a predominantly Muslim area.... If the partition of Bengal had not been annulled" (in the year 1911), says Ambedkar, "the Muslim State in Eastern Bengal, instead of being a new project, would now have been 39 years old".[3]

Further, the demand for Pakistan need not have come as a shocking proposition at all. It was quite in tune with the approach of the Congress party to the principle of carving out Linguistic Provinces. The Indian National Congress had accepted the principle of Linguistic Provinces in its programme, and it had adopted the linguistic principle for organising the Provincial branches. As it was understood in the beginning, Provinces were to be created purely on considerations of language and not of area, population, or finances. If such a separation could be acceptable on linguistic grounds, why not separation of Pakistan on a more comprehensive principle of culture? The distinction between language and culture was not so serious and distinctive to Ambedkar. He said: "Linguistic difference is another name for cultural difference". He went even to the extent of asking

"If there is nothing shocking in the separation of Karnatak and Andhra, what is there to shock in the demand for the separation of Pakistan?" He continued: "if it is disruptive in its effect, it is no more disruptive than the separation of Hindu provinces such as Karnatak from Maharashtra or Andhra from Madras. Pakistan is merely another manifestation of a cultural unit demanding freedom for the growth of its own distinctive culture."[4]

Ambedkar seems to have adopted the same line of argument that was put forward for linguistic provinces to substantiate the demand for Pakistan. He seems to have believed that if linguistic provinces are necessary for the cultural and other developments, so also Pakistan for Muslims—a strange analogy! Ambedkar oversimplified the entire problem. He obviously overlooked the most fundamental difference between the two demands. The demand for creating linguistic provinces concerned only with reorganising the then British Indian provinces chiefly on linguistic considerations, so that people speaking a particular language would constitute into a single administrative unit. It was hoped, that such a redrawing of the provinces within the Indian federation would provide a more convenient and natural basis for drawing the boundaries. This demand was never guided by any secessionist tendency. It was not that at all; whereas the demand for Pakistan, in terms of the Lahore Resolution was clearly for a separate sovereign State for Muslims to function independently. Ambedkar's contention would have been valid if the Muslim demand was only to reorganise the administrative units in the north-west and north-east on similar principles as that of linguistic provinces within the Indian polity. Hence his contention in this respect was rather misleading and he ignored the most obvious and a fundamental difference between the two claims. Anyway it was a poor and inappropriate analogy that Ambedkar gave.

'A Nation Calling for a Home'—the Muslim Case for Pakistan

The Muslim demand for a separate state of their own was made in para 3 of the Lahore Resolution. This para contains the demand that the areas in which there is a predominant Muslim population should be incorporated into an independent State. In other words, it meant that the Punjab, the North-Western frontier province, Baluchistan and Sind in the North-

West and Bengal in the East, instead of remaining as British Indian provinces, should be carved out as independent states outside British India. The language used in the resolution was rather ambiguous. But the basic demand was that these areas are to be separated from India and formed into a separate State.

The Muslim demand was based on the following grounds: (*i*) "the Muslims by themselves constitute a separate nation and desire to have a national home" of their own; and (*ii*) because experience shows that the Hindus want to use their majority to treat the Muslims as though they were second class citizens in an alien state.[5]

So there were two questions to be answered: whether the Muslims constituted a separate national group; and whether their position in a composite India would be what they feared to be. To take up the questions in the same order, the Muslims claimed that they did form a distinct and separate nationality in India. They were distinct from the Hindus in all respects, that is language, religion, culture, historical traditions, their aspirations and such other fundamentals, though they were inhabiting the same land for centuries, which was due to historical accidents.

Ambedkar thought on similar lines. He believed that the Muslims of India constituted a separate and exclusive group to qualify themselves for a separate nationality. He proceeded on the basis of the definition of a nation given by Renan. To him "Nationality is a social feeling. It is a feeling of corporate sentiment of oneness which makes those who are charged with it feel that they are kith and kin. This national feeling . . is at once a feeling of fellowship for one's own kith and kin and an anti-fellowship feeling for those who are not one's own kith and kin. It is a feeling of 'consciousness of kind' which on the one hand binds together those who have it, so strongly that it overrides all differences arising out of economic conflicts or social gradations and, on the other, severs them from those who are not of their kind. It is a longing not to belong to any other group."[6] So the feeling of nationality is a double-edged weapon, which sometimes may help to bind a people together into a strong and eternal bond of union. On the other hand, it may also drive a wedge and separate a people to such hopeless proportions as to make them develop inimical attitude to

each other. The estrangement would be the natural outcome of the fears and suspicions that may creep into the relations between the two groups, particularly by the smaller group towards the dominant group. With this psychological attitude, the very feelings of nationality will be worked up to such a pitch that they may reach a point of no return. That such a phenomenon was in operation is very clear from the analysis, given in the preceding chapter, of Hindu-Muslim relations in Indian politics. Looking back on these trends, one can easily formulate the following views, as Ambedkar did, as to the characteristics of the Muslims in India: (*a*) they formed in themselves an exclusive group; (*b*) they had come to develop a consciousness of kind; and (*c*) the Muslims were possessed of a longing to belong to their own particular group and not to any other group that was non-Muslim. Naturally, the Muslim claim that they formed a separate 'nation must be accepted without any cavil'. So much for their claim for a separate nationhood.

The other important point made by the Muslims was that only in a separate state of their own, their interests will be safe. They were bound to suffer, they believed, from indignities, oppressions and discriminations in a composite Indian polity, in which the Hindu majority would dominate. To accept a single polity under one single Central Government for both Hindus and Muslims, would mean an abject surrender by Muslims and sure degradation. It was to 'escape from this degradation' that they clamoured for a polity of their own. They also argued, that once their claim for a separate nationality is conceded, the right of nations for self-determination would follow—a principle that was adumbrated in the Treaty of Versailles and which guided the territorial readjustments in Europe subsequently. Since then, nationalism has become an adequate justification for creating mono-national states of the conception of John Stuart Mill, who declared. "It is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities". Such a theory of nationality has also come to be 'imbedded in the democratic theory of the will of the people'. "This means", says Ambedkar, "that the demand by a nationality for a national state does not require to be supported by any list of grievances.

The will of the people is enough to justify it".[7] The Muslims in India did have some grievances, as they pointed out from time to time Their experience under the Congress rule had shown them that mere constitutional safeguards would not be helpful to 'save them from the tyranny of the Hindu Majority'. It may be recalled here that the Hindu-Muslim antagonism was deepened because of the refusal of the Congress to recognise the Muslim League as the only representative body of the Muslims, which it was not, and the refusal by the Congress to form Coalition Ministries. But the fact remained that the League, though was not the only or the most representative Muslim organisation, had managed to make itself the most vocal and clamorous, perhaps due to the fact that it had the patronage and the blessings of the British. Ambedkar thought, the Congress should not have had "any compunction to deal with it (the League) for the purpose of effecting a settlement of the Hindu-Muslim question... The Muslims", he wrote, "rightly interpret this attitude of the Congress as an attempt to create divisions among them with a view to cause confusion in their ranks and weaken their front"[8] Ambedkar, perhaps, thought that since the Congress Presidents and Mr Gandhi himself had chosen to correspond and discuss in person with Mr. Jinnah as the leader of the League, the Congress ought not to have found any difficulty in recognising the League as the most important Muslim organization, though not the only organization. The Congress, however, argued on its part that all the grievances of the Muslims, if any, would be looked into and adequate safeguards would be provided. But the feeling among the Muslims was that they were going to be 'subject races' under the proposed *Swaraj Constitution,* with Hindus constituting the governing class. What the minorities wanted was the recognition of their self-respect at the hands of the Congress than mere good deeds on the part of the Congress. According to Ambedkar, no Indian, as a matter of fact, would argue for the retention of the British rule, just because it had done some good things. It was a question of one's own self-respect. A good government can never be a substitute for self-government. There is a limit to the sense of gratitude a people can be expected to show to others for their good deeds. Ambedkar, quoting the Irish patriot Daniel O' Connell, who had declared: "no man can be grateful at the cost

of his self-respect, no woman can be grateful at the cost of her chastity, and no nation can be grateful at the cost of its honour", gave the required perspective to the Muslim demand. The Congress by refusing to agree to share power with the 'effective representatives' of the minority communities, only strengthened such an apprehension in the minds of the minorities. It is also important to understand the psychology of the Indian Muslims at the time of the demand. They constituted the ruling class for quite a long period in Indian history. Their position, ever since the advent of the British, was one of a subject race along with the Hindus. When once the British withdrew from India they were to come under the Hindu rule. So their demand for a separate state was the 'proverbial last straw'. Ambedkar giving a list of grievances of the Muslims said: "From masters to fellow-subjects was degradation enough, but a change from the status of fellow-subjects to that of subjects of the Hindus is really humiliation. Is it unnatural, ask the Muslims, if they seek an escape from so intolerable a position by the creation of separate national states, in which the Muslims can find a peaceful home and in which the conflict between a ruling race and a subject race can find no place to plague their lives?"[9] Thus, the Muslim case for Pakistan was presented by Ambedkar with enough justification. But one important thing that emerges from this discussion is that the Muslims, apart from any other thing, did not have the will and the desire to continue to be fellow-citizens with the Hindus in a composite India. Their demand had become so strong that it was almost irresistible. This was clearly and powerfully voiced by Mr. Jinnah in his Presidential Address to the Thirtieth Session of the League in April, 1943. His utterances were sharper, and were made with a new emphasis unlike on previous occasions. He said: "...the quickest way to the freedom of the people of India, both Hindus and Moslems, is Pakistan". He further charged the Congressmen of trying to "turn the whole of India into a Gandhi *ashram*"; but a Hindu Raj, he declared vehemently, would be resisted "as long as life is left in a single Moslem".[10] It is clear from this that the Muslims were determined to have Pakistan.

'The Hindu Case Against Pakistan'—Refuted

The Hindu viewpoint, as it was expressed chiefly by the Indian National Congress and by individuals and other agencies, was that there was no point in the Muslim claim for a separate nation The consensus was against any partition and vivisection of the country. They were not prepared to accept the viewpoint that the Muslims constituted a separate nationality in India. It was only one of the many minority communities that made the Indian nation. They argued that the Indian social life being what it was, there was a certain bond of integration between Muslim and Hindu society. There were no racial differences between the Hindus and the Indian Muslims, and besides, there was also linguistic unity. Historically speaking, the Hindus and Muslims lived together for centuries as to make them one people. India, moreover, is not claimed as the land of the Hindus or the Muslims exclusively. Hindus have all along followed a policy of religious tolerance towards Islam. They were free to profess their religion without let or hindrance. Islam had thrived in India as much as any other religion, like Christianity, Buddhism, let alone Hinduism. Such being the case, why should the Muslims think that they were different and their interests would not be safe in a *Swaraj polity* of the composite India?—asked the Hindus

Apart from these considerations the opposition to the Pakistan scheme was also due to the following reasons·

(1) It involved the breaking up of the unity of India.
(2) The defence of India would be weakened
(3) The Communal problem would remain unsolved.

These objections were very well reflected in the writings of Mr. Jawaharlal Nehru also. While discussing the Cripps proposals, he had expressed himself against partition in the following words:

"Any proposal to cut up India into parts was a painful one to contemplate... The whole nationalist movement of India had been based on India's unity, but the sentiment was older and deeper than the present phase of nationalism; it went far back into the remote periods of Indian history....

Apart from sentiment, there were solid reasons against

partition. The social and economic problems of India had reached a crisis, which necessitated rapid and all-round progress if the gravest of disasters had to be averted. That progress could only take place with real and effective planning for the whole of India, for the various parts supplied each other's deficiencies. To think of partitioning India at this stage went against the whole current of modern historical and economic development. It seemed to be fantastic in the extreme...."[11]

The proposal for partition, it was thought, would lead to a number of difficulties. It would not be the end of a trouble but the beginning of a series of troubles. It would, according to Mr. Nehru, incite "all the reactionary, feudal, and socially backward groups to claim partition". Hence, he thought, it was not desirable in modern times to fall back upon such medieval and feudalistic solutions But he came to accept the demand later, not because it was justifiable in law and logic, but because it became unavoidable, and under the stress of circumstances. He, perhaps, realised that necessity knows neither law nor logic. The Congress also acquiesced in the Muslim demand later, as it was made a condition precedent for Indian independence. The Party was in a mood to count upon the present considerations in preference to the future ones, solely.

The opposition to the Pakistan demand could be classified into two broad categories, which formed the basis of Hindu argument: (1) Sentimental ones; and (2) the practical difficulties and disadvantages. Ambedkar, as is known, always detested a sentimental approach to such socio-political problems that had to be examined on most pragmatic considerations. According to him, all points of historical contacts and unity were true to a point. It was also true that there were certain common features. They were, according to him, not the result of a conscious attempt to adapt to each other's ways. It was due to causes that were purely a part of the social dynamics. The common features that were visible were due to the common environment to which both Hindus and Muslims were subjected for centuries. "The Hindu", according to Ambedkar, "is mistaking what is accidental and superficial for what is essential and fundamental."[12] In spite of these so-called common features, Indian history is full of wars between Hindus and Muslims and of communal riots. Both in the religious and political fields, the

o peoples have had their mutual animosities. What environ-ent, or race, or language can do in formulating a nation is ry much limited. In the absence of these two things: (*a*) the tual consent; and (*b*) the desire to live together; and in the sence of rich heritage of memories, it was only wise and alistic to concede the Muslim demand.

The second part of the opposition to Pakistan scheme was on count of the attendant difficulties, and the consequent evil ects inherent in the scheme, which were terrible by any esti-ate. Such an apprehension was justified. But the point that e had reached in the constitutional and political development the country was such that one had to grapple with the pro-em, however unpleasant it was. The difficulties were bound be there. The Hindu argument that the areas demanded the Muslims formed an integral part of North India, i.e., *yavarta*, historically and traditionally. This fact, however, uld not be denied. But history bears out that the unity of rthern India came to be broken up severely in the wake of uslim invasions of India, and their rule for over seven centu-s. They were out to destroy the Hindu faith by looting and undering the Hindu kingdoms and temples and large-scale nversions of the Hindus to Islam under military threat and her forms of compulsion. 'Death or Islam' was the painful ernative before the Hindus during this long period of communal ndalism that was perpetrated in the name of religion in the tory of India. In the light of these historical truths, how uld one hold that they constituted one single people? The nsequences of Muslim invasions, said Ambedkar, have there-e "*so profoundly altered the culture and character of northern* eas, which it is now proposed to be included in Pakistan, at there is not only no unity between that area and the rest India but that there is as a matter of fact a real antipathy tween the two."[13] So one should guard against any such histo-*al sentiment*. As Prof. Arnold Toynbee warns: "We must on our guard against 'historical sentiment', that is, against ne across nothing but bitterness between the two, which was iment.. " This warning could not be ignored. As an after-th of Muslim invasions and their imperial rule in India, one guments taken from conditions which once existed or were pposed to exist, but which are no loner real at the present

not removed even under nearly two centuries of an unifying British rule, and political life. Besides, there was also a heavy deposit of Islamic culture on the land and one of the chief objectives of the Muslim invasions was to plant the seed of Islam, which was probably the only positive aspect of their rule and that too at the cost of Hinduism! Commenting on the effects of this so-called positive role of the Muslim rule, Ambedkar wrote:

> "The growth of this plant is remarkable. It is not a summer sappling. It is as great and as strong as an oak. Its growth is the thickest in Northern India. The successive invasions have deposited their 'silt' more there (in the North) than anywhere else, and have served as watering exercises of devoted gardeners. Its growth is so thick in Northern India that the remnants of Hindu and Buddhist culture are just shrubs. Even the Sikh axe could not fell this oak. It is only an unimaginative person who could fail to take notice of these facts or insist in the face of them that Pakistan means breaking up into two what is one whole."[14]

The unity between the two areas, hence, was a myth. Unity to be real, need not be geographical alone but it should be a spiritual one based on the most abiding characteristics 'of kinship' and 'a feeling of being the kindred'. Ambedkar cited the instance of separation of Burma from India—the spiritual unity among which was stronger—to ask: "if the Hindus did not object to the severance of Burma from India, it is difficult to understand how the Hindus can object to the severance of an area like Pakistan, which, to repeat, is politically detachable from, socially hostile and spiritually alien, to the rest of India".[15] Of course it is true, in the words of Jawaharlal Nehru, "Unity is always better than disunity, but an enforced unity is a *sham* and dangerous affair, full of explosive possibilities. Unity must be of the mind and heart, a sense of belonging together and of facing together those who attack it. . . ."[16] He was, perhaps in-*clined to think that partition was becoming* inevitable due to the developments all along and he was right, for necessity knows no law or logic.

The next point in the arguments of the opponents of the Pakistan scheme was that it would weaken the defence of the country. The Pakistan scheme, if and when put through, would

amount to the creation of a neighbour on both sides of India, who may not be friendly always. It will also weaken the frontiers by creating an unscientifically drawn frontier and also the armed forces. Finally, it will create the problem of adequacy of resources for purposes of defence.

This was a formidable and forceful argument that had to be faced by the proponents of the Pakistan scheme This can be viewed in retrospect in the light of the relations between Pakistan and India since partition, which have been never cordial. There are a number of irritants over issues like the Kashmir, the canal waters distribution, the evacuee property, border violations and a number of other problems which have not been settled Pakistan went even to the extent of committing unprovoked military aggression upon India in September, 1965 in collusion with China, and also misusing the American arms that were given to contain Communism! Neither the facts of the situation nor the international considerations warranted a resort to, and the use of military strength by Pakistan. Even after the termination of the war and acceptance of the Tashkent Declaration, the relations have not been cordial. Still the cloud of war hangs over the people One of the most direct impacts of this situation in the Indo-Pak relations is the stepping up of military expenditure on both sides, to the utter detriment of their economic development. Is this due to the weak frontiers or a weak army?, or due to the attitude of Pakistan herself? It is now established, and the outcome of the war justifies the view, that the inimical attitude of the Pakistani leaders is largely responsible for such an unfortunate situation. One may be inclined to think now, in retrospect, that if the Pakistan scheme had been shelved, then only, the problem would not have been there. But such an approach is hardly realistic and prudent. As examined already, nothing could have prevented the birth of Pakistan.

Ambedkar took pains, still, to examine the objections on grounds of defence, and he was of the opinion that the creation *of Pakistan would not weaken the defence* of the country On the other hand, he contended, it would give India a more *scientifically drawn and homogeneous frontier*, and above all, a highly dependable armed force. From the point of view of resources also, India would be in a more advantageous position

than Pakistan. He substantiated his arguments, in his characteristic way, by digging out a mass of facts and figures that would be helpful in convincing even the most recalcitrant person.

'Scientific Frontier'—A Myth

As to the question of a scientific frontier, Ambedkar thought, was nothing but a myth. If by a scientific frontier it is meant that it should be a natural border that would be impregnable, then the very approach would be wrong. Geographical conditions, which were once considered to be decisive in such matters, are no longer so. The geo-political scientists like Sir Halford MacKinder, Karl Hashofer and others who belonged to the determinist school, thought in the early part of the century that geography and geographical conditions alone determined the military and foreign policy of a country—its strength or weakness. Such a belief, which motivated leaders like Hitler and Mussolini to launch upon a policy of military expansion, is no longer valid and tenable. In the present world, with the highly developed and sophisticated techniques of war and defence, the natural frontiers are robbed of their former importance. 'Even where they are mighty mountains, the broadest streams, widest seas or far-stretching deserts' they are no longer impregnable. The science of geo-politics is considerably modified and it has developed a new theory of 'geographic possibility' in place of geographical determination. Moreover, it is not possible to make a frontier scientific by drawing it on ethnologically homogeneous lines. In fact, while discussing the frontier's problem in North-West India, Mr. Davies said in his book *North-West Frontier*—"It would be impossible to demarcate on the North-West of our Indian Empire a frontier which would satisfy ethnological, political and military requirements. To seek for a zone which traverses easily definable geographical features; which does not violate ethnic considerations by cutting through the territories of closely related tribes; and which at the same time serves as a political boundary, is utopian."[17] The Pakistan scheme, according to Ambedkar, will only bring the boundary of Hindustan back to the Indus River. Hence there need not be any apprehensions on this count.

Furthermore, in the present scientific and technological era, given sufficient resources, a nation can overcome any difficulty

that it might face by way of weak frontiers. Ambedkar thought, with a population of 80,283,931 and 178,513,919 and a revenue of Rs. 60,56,38,326 and Rs. 96,24,05,206 for Pakistan and India respectively (at that time) Hindustan would have adequate resources for its defence, taking into consideration the area, population and revenue.

A Safe Army—More Important for Defence

The question of fighting forces, which occupies a more important place in a discussion on a country's fighting ability, needed a careful scrutiny. The human factor is more important than a scientific frontier, which can only create a sense of security in the minds of the people. On the other hand, a people may become even complacent, when they are under the illusion of a safe frontier, which is more dangerous The opponents of Pakistan scheme pointed out that the armed forces of undivided India contained a heavy percentage of soldiers drawn from areas that were proposed to be separated from India. Even the Simon Commission Report testified to this fact and had come to the conclusion that only those areas coming under Pakistan could produce soldiers and that under Hindustan could not.

Such a conclusion was based, in the first place, on the actual figures as to the composition of the Indian Army. Secondly, it was also based on an erroneous belief that only the people belonging to a particular area—the North-West—constituted the 'martial races' The theory of martial races was nothing but a mythical conception and a bogey that was raised by the British rulers to justify their policy of discriminatory recruitment to armed forces It was true that the British were drawing heavily from these areas for recruitment, particularly after the 1857 Mutiny Before the Mutiny the percentage was almost negligible. How can a people come to be looked upon as a 'martial race' overnight? The conclusion of the Simon Commission was, therefore, untenable and erroneous. As a matter of fact the Special Army Committee of 1879, which had an occasion to examine this question, had observed to the contrary; when it said that the predominance of the North-Westerners in the armed forces 'had nothing to do with their alleged fighting qualities but was due to the fact, that they helped the British to suppress the Mutiny in which the Bengal Army was so completely involved'.

What happened after the Mutiny was, the British radically altered their recruitment policy, guided by its lessons, to eliminate those who were hostile and with a view to preventing any possible collusion among the armed personnel to rise in a rebellion against the British. Another study of the problem by an Indian expert also comes to similar conclusions. Mr. Chaudhari in his articles on 'The Martial Races of India' published in the *Modern Review* of July and September 1930; and of January and February 1931, concluded that such a distinction would be arbitrary and artificial. It had nothing to do with the fighting abilities of a people of certain areas. It may be recalled here, with a justifiable sense of pride, that during the time of Indo-Pak armed conflict of 1965, the Indian Army and Air-Force were acknowledged superior to that of their counterparts, who are drawn from the so-called martial races. Our forces exhibited a high degree of morale and fighting ability which were praised by foreigners; and reportedly, by the Pak soldiers themselves This event has exploded, further, the myth of the so-called martial races, though at an extraordinarily heavy price

Ambedkar probed into a far more vital aspect of the composition of the armed forces, and that is, its communal aspect. The Simon Commission either ignored this aspect or deliberately side-tracked it. The communal composition of the army was, to Ambedkar, 'of far greater importance and complexity than those relating to the Indianization of the Army'. He reproduced, in several tables, the figures regarding the communal composition from 1914 to 1930. He relied mostly on the figures compiled by Mr. Chaudhari. These figures warrant the following conclusions, as drawn by Ambedkar himself:

(1) a phenomenal rise in the strength of the Punjabi Musalman and the Pathan (from 11.1 per cent. in 1914 to 22.6 per cent in 1930 and 6.2 to 6.5 per cent respectively);
(2) a substantial reduction in the position of Sikhs from first to third (19.2 per cent in 1914 to 13.58 per cent in 1930);
(3) the degradation of the Rajputs to the fourth place (6.4 per cent in 1914 to 2.55 per cent in 1930); and
(4) the shutting out of the U. .P. Brahmins, the Madrasi Musalmans, and the Tamilians, both Brahmins and Non-

Brahmins (from 1.8 per cent to nil, 3.5 per cent to nil, 2.5 per cent to nil in 1914 and 1930 respectively) [19]

According to Mr Chaudhari's assessment then, the Musalmans constituted 36 per cent of the Indian Infantry and 30 per cent of the Indian Cavalry. One difficulty in any such assessment since then was the non-availability of official figures Repeated interpellations in the Central Legislature on the subject were consistently avoided by the Member for Defence He gave either evasive replies or inadequate information At last some indication was available from the replies given by the Secretary of State in the House of Commons on 4th July 1943 It stood at: Muslims 34 per cent; Hindus and Gurkhas 50 per cent, Sikhs 10 per cent; and Christians and the rest 6 per cent This was, obviously, the war-time composition when recruitment could not be on a policy of discrimination and selection on communal lines. During peace-time the composition was bound to be different. Unofficial estimates put it at 60 to 70 per cent for the Muslims. Even the most conservative estimate would put it at 50 per cent which, according to Ambedkar, should be alarming enough to the Hindus. If that were to be true, the recruitment was done in complete violation of the principles laid down by the Peel Commission and the Special Army Committee of 1879 which directed that there should be no preponderance of any community or nationality in the Army.

Then how could there be a preponderant position for the Muslims? It was possibly because the British wanted to counteract the Hindu agitation for wresting political power

This was of great significance for a clear understanding of the communal policy of the British

The foregoing discussion markedly points out, that at the time of the demand for Pakistan, (*a*) the Indian Army was predominantly Muslim in its composition; and (*b*) that the Muslims who predominated were from the Punjab and the North-West Frontier Province. It gave them the 'proud position' of being the 'gate-keepers of India'. So, according to Ambedkar, the right approach to the problem by the Hindus should be 'in the light of this crucial fact'.

Ambedkar posed some hypothetical situations to point out how dangerous it was for the Hindus to depend on an Army

so composed. In case of an attack on India, either by Russia or Afghanistan in the North-West, we might depend upon that Army to resist the Russian attack, but not the one by Afghanistan; as Muslim loyalties would be highly doubtful when it is a question of putting them to fight against an Army of a Muslim country. In fact, the Muslim League had taken a stand that the Indian Army shall not be used against Muslim powers! The Khilafat Committee had also taken such a stand long before! In the light of these difficulties and dangerous possibilities, Ambedkar came to this conclusion:

> If India remains politically one whole and the two-nation mentality created by Pakistan continues to be fostered, the Hindus will find themselves between the devil and the deep sea, so far as the defence of India is concerned. Having an Army, they will not be free to use it because the League objects. Using it, it will not be possible to depend upon it because its loyalty is doubtful. This is a position which is as pathetic as it is precarious...India on account of these military limitations, will have to remain on terms of subordinate co-operation with the Muslim countries on her border, as do the Indian States under the British Paramountcy.[19]

So the question was: 'Should the Musalmans be without and against or should they be within and against?' Any prudent person will prefer to have them without and against. Ambedkar believed and hoped that it should be 'a consummation devoutly to be wished that the Muslims should be without'. The only way to bring about such a consummation was to support the scheme of Pakistan. While hoping for the creation of Pakistan, Ambedkar had not ruled out the possibility of Pakistan becoming a constant irritant to India for some reason or the other. He had visualised, in case Pakistan takes to Arms against Hindustan, it can be faced effectively because: "Once Pakistan is created, Hindustan, having ample resources in men and money, can have an Army which it can call its own and there will be nobody to dictate as to how it should be used and against whom....The defence of Hindustan, far from being weakened by the creation of Pakistan, will be infinitely improved by it."[20] The Indo-Pak confrontation of 1965 has come to substantiate this anticipation and conclusion of his. He was con-

vinced beyond doubt that 'a safe Army is better than a safe border' and to oppose the Pakistan scheme 'is to buy a sure weapon of their own destruction' for the Hindus.

The Question of Communal Peace vis-à-vis Partition

The Pakistan project was opposed by the Hindus as it was incapable of bringing about communal peace. It was argued *that it will not be helpful to establish peace and harmony among* the two communities even after the creation of Pakistan, for the simple reason that it will leave behind, in both the countries, a large number of religious minorities—the Hindus in Pakistan and the Muslims in Hindustan The communal composition of the areas was such that the problem of the communal minorities was bound to continue because religious groups were intermingled and overlapping in the population of these areas. So, if the Pakistan project was not going to solve the communal problem, it need not be accepted at all There was no need to vivisect the country when we knew for certain that it will not solve the communal problem, which was the most fundamental reason for which partition was demanded.

Ambedkar realised the force in this argument and agreed that communal disharmony and tensions were bound to be there even after partition. But he thought, it could be minimised, though not completely removed The communal problem, as it *existed in undivided India, centred round two things mainly:* (*a*) the communal statutory majority in the Provinces based on separate electorates; and (*b*) the ushering in of communal provinces like the Sind by the British. Ambedkar pointed out that the Communal Award was inequitous inasmuch as it accorded unequal treatment to the Muslim and the Hindu minorities in the matter of electorates It was to this aspect of the communal representation that Ambedkar had his objections; though he was for a guaranteed representation for the minorities. The position was, communal peace would not be forthcoming if Pakistan were to be formed on the then existing boundaries of the Provinces in the North-West and in Bengal, which were not single ethnic units. They were bound to remain mixed states with Muslim majority *and Hindu minority, as before. To remedy this defect,* Ambedkar had suggested two steps: (1) Shifting of the boundary line (in a large part of the area) in certain cases; and (2)

shifting of the population in certain other areas. Only by implementing these, there could be a nearly homogeneous, single ethnic state of Pakistan and the evils of communalism were likely to vanish. He suggested the formation of a homogeneous Muslim State, out of the Punjab, Bengal and Assam "by drawing their boundaries in such a way that the areas which are predominantly Hindu shall be excluded".[21] Whereas in the case of North-West Frontier Province and Sind, Hindus were not concentrated in any one district. They were scattered and found in almost every district in 'small insignificant numbers'. However, they could not be allowed to live wherever they were. So in these two Provinces mere shifting of the boundaries was not the solution. In these areas the only remedy was to shift the population. Ambedkar thought, it was the only supreme remedy if communal peace was to prevail. Mere constitutional safeguards by way of fundamental rights to the minorities would not suffice in this respect. Experience in Europe had shown that safeguards alone did not save the minorities from a ruthless war against them. So alien minority population was exchanged in Europe also, as between Turkey, Greece and Bulgaria, involving the exchanging of a population of nearly 20 million from one place to another. Such a huge operation and challenge was faced by these nations as they were convinced that 'the considerations of communal peace must outweigh every other consideration' and difficulties. The operation was carried on under the auspices of the League of Nations during 1923-24. It may be recalled here that Dr. Syed Abdul Latif had also suggested a similar remedy for ensuring communal peace in the event of Pakistan's creation. Ambedkar thought that compared to the Greek-Turkish operation, the number of people involved here was far less and negligible. He went to the extent of saying: "it would be the height of folly to give up so sure a way to communal peace".

Then what about the large number of Muslims, about 20 million of them, that were to be left behind in British Hindustan? Ambedkar did not propose shifting of the entire Muslim population to Pakistan. Nor was it called for. He was satisfied with a composite Hindustan, after the creation of a homogeneous Pakistan. The Muslim minority in Hindustan will naturally "be better protected by the existence of separate Islamic States on the

Eastern and Western borders of Hindustan than by their submersion in Hindustan". He did not accept Mr. Rehamat Ali's proposal for total 'reciprocity' because he thought, perhaps, that the communal question in a divided India would be a minor one and also that all Muslims were not of the Muslim League's persuasion. There were nationalist Muslims and other non-Leaguers, who were not anxious to go to Pakistan. They had come to look upon themselves as fellow-citizens with the Hindus. It would not be proper and just to shift them by force much against their will. He wanted the exchange of population in the borders only. So to Ambedkar, the Pakistan scheme in the form it was projected, though was incapable of solving the communal problem totally and within Hindustan, "it substantially reduces its proportion and makes it of minor significance and much easier of peaceful solution".[22] It would liberate the Hindus from the turbulence of the Muslims as predominant partners. That would be a definite gain for the Hindus Hence they should not have any reason to oppose the scheme of Pakistan.

One may pause here to examine the wisdom and farsightedness of the suggestions of Ambedkar in this respect This can best be done by examining them in the light of what happened subsequent to partition. Of course, it is possible to do so now in retrospect, as many ugly events have come to pass since then. The first suggestion of Ambedkar to draw the boundary lines, keeping in view the communal composition of the areas in question, was to a large extent met with in the Radcliffe Award. But his suggestion, a more important one and a bold one at that, the shifting and exchanging of the population to bring about communal harmony, was scoffed at when it was made and hence was not accepted. The result was a series of acts of loot, plunder, arson, dislocation of life and all conceivable forms of incendiary activities on the part of the Muslims, Hindus and the Sikhs. The horrid tale of sufferings, privations and loss of property and life, even today, is shocking to the sentiment of any civilized people. What happened immediately before and after partition was announced? Was it not a shifting of population at the point of the knife and under clouds of fear, threat and suspicion? It remains, undoubtedly, the darkest spot in the history of Hindu-Muslim relations in the

sub-continent. The migration of people on that occasion was described by Mr. Alan Campbell Johnson as 'one of the greatest movements of population in recorded history', as he saw the movement of population when it had just begun and was still 'a small segment of it'.[23] The migration of population was on a fantastic scale, which was unprecedented. It was all the more serious and painful as it was undertaken by the people under conditions of threat and horror, without any other direction. They had to move out from their abodes, leaving behind their fortunes and kith and kin, to escape sure death and destruction. Only those who could withstand outrageous attacks on their modesty and dignity could think of remaining behind. Even during their trek to an unknown destination, where they hoped to have some safety, they were not sure of their lives, but still they gathered up their worldly goods, as much or rather as less as they could, and moved out. Prominent cities like Amritsar and Lahore on the borders were almost on flames continuously. What an atrocious outrage, pillage, carnage and sacrilege in the name of Religion! As seen by Campbell Johnson, the movement of people, uprooted from their hearths and homes, was so long that even after flying for over fifty miles by air one could not see the source of this stream of desperate human beings! At points of bottlenecks of this human traffic the appearance of a squatter's township was very common. The Muslim and Hindu-Sikh refugees were seen moving side by side, but in opposite directions with clashes very often. All conceivable modes of conveyance were pressed into use. The trains were always carrying refugees hundred times more than their usual capacity. Train journey was quite hazardous in view of the inhuman attacks on the trains. It is said that they would start with thousands of passengers but would often reach the other end with a few hundred survivors! At the receiving ends, in both the Dominions, the population movement created the most difficult problem of feeding and shelter for millions of refugees. The shifting of population had taken place even though the leaders had not accepted it and much against their will. What they wanted to avoid had actually happened. It was too late for them to arrange for shifting the population in an orderly manner, under the aegis of the State. The refugee movement also released a series of problems. Where should they go? Will

it be an orderly settlement?—were some of the vital questions which had to be answered. "This raised", as Campbell Johnson wrote, "one of the greatest *administrative* problems of *history*",[24] which was of course essentially a human problem. Hence, it had to be dealt with, with a great sense of urgency and any approach was to be necessarily humane. It was, however, redeeming to know, in the words of Campbell Johnson again: "As far as human effort is concerned special credit is due to those responsible for health and food services on both sides of the border. A prodigious number of Cholera injections, vaccinations and other inoculations have been carried out. India has flown large supplies of cholera vaccines to Pakistan. The works of mercy and healing shine out in the communal darkness."[25] Hindus and Muslims could have been saved from all this orgy of killings, loot and destruction, and above all the unprecedented human suffering, only if the suggestion of Ambedkar to shift the population of some of the districts were to be accepted *and implemented under the aegis of the State. He had the insight* and the astuteness of a realist statesman, who could foresee and anticipate such a possibility and suggest a bold and a supreme remedy to save the Hindus and Muslims alike from acts of mutual attack and destruction It was a tragic mistake committed by those who accepted partition, but were not bold enough to face the problems in a realistic manner. This is the verdict that history records painfully on this blackest tragedy of our history. How can one say that Ambedkar was not right in thinking that only an agreed and organised shifting of population with State aid was the best and the most feasible solution to the problem of communal conflicts in the sub-continent?

What Else—If Not Pakistan?

The demand for Pakistan had come to occupy the minds of all public-spirited individuals and organizations. Scholars and politicians alike, particularly scholar-politicians of Ambedkar's type, were reacting in their own way by giving their own suggestions. Most of them, in their own anxiety to preserve the unity of India by avoiding the vivisection of the land, suggested alternatives to Pakistan which, in Ambedkar's opinion were, 'either no alternatives to Pakistan or worse than Pakistan' itself. The Muslims, on their part, did not have any alternative to

give because they were not prepared to accept anything less than Pakistan. On March 23, 1941, which was celebrated as 'Pakistan Day', Mr. Jinnah declared in his speech at Delhi that Pakistan was neither a counsel of despair nor a counter for political bargaining but a serious demand.[26] The League constitutionalized this demand at its Madras Session of April 1941, by writing the League Resolution into the constitution of the Muslim League as its objective, in place of its earlier objective which was 'a federation of free democratic states'.[27] Even then, could anyone hazard a guess as to what was in their minds, if they were to choose an alternative to Pakistan for any reason? One could say that they would probably consent to a 50 per cent share and place in everything. They might like to have such a facility for them in the legislature, administration, Defence forces etc., and also insist on accepting Urdu as the national language, and not Hindi The possibility of such a demand was not without any basis. Mr. Jinnah had firmly refused to have anything to do with rearrangements at the Centre which is not on a fifty-fifty basis. He did assert his position when he asked 5 of the 8 Muslim members included on the enlarged Defence Council of the Viceroy to resign. Three of the 5 Muslim members who belonged to the League obeyed his directive and the remaining had to face expulsion for continuing on the Council. In this context it would be appropriate to recall the Gandhian compromise of evolving the 'Hindustani'—which was a peculiar amalgam of the dominantly Sanskritized Hindi, and an exclusively Arab-Persian language, Urdu. It may also be pointed out that Article XXV of the Constitution of the Indian National Congress provided that the proceedings of the All-India Congress Committee and the Working Committee shall ordinarily be conducted in Hindustani though other languages were also permissible, when the speaker was unable to use Hindustani. Mahatma Gandhi, perhaps, thought that it would help meeting the Muslim demand on the language question. Ambedkar, after a careful scrutiny and assessment of the possible consequences of conceding such demands of the Muslims, came to the conclusion that it would be worse than Pakistan and suicidal for the Hindus to accept them.

The Hindu alternative to Pakistan, as suggested by several individuals and organizations—chief among them being Mr. V.

D. Savarkar, the then President of the Hindu Mahasabha (in his Presidential Address at the annual session of the Sabha held at Calcutta in December, 1939), and Lala Hardayal. Savarkar was frank, bold, and very specific in his proposals. In his scheme, India that was made up of two nations shall not be divided, but the people of both nationalities "shall dwell in one country and shall live under the mantle of one single constitution; that the constitution shall be such that the Hindu nation will be enabled to occupy a predominant position that is due to it and the Muslim nation made to live in the position of subordinate co-operation with the Hindu nation". He was not prepared to guarantee secured seats, anywhere, for the Muslims.

Though he was to be complimented for his frankness, the scheme, as an alternative, was no solution to the problem. The substance of the Hindu alternative was to submerge and absorb the Muslims gradually, by pressing into use the authority of a central government, and as Lala Hardayal suggested, by launching a *'Shuddhi'* and *'Sanghatan'* movement. This step was incompatible and inconsistent, inasmuch as it came from a staunch Hindu, because of the non-proselytizing character of the Hindu religion. Further, it would be the height of folly to think of absorbing and assimilating a minor nation, because, as Ambedkar puts it:

> "...it can never ensure a stable and peaceful future for the Hindus, for the simple reason that Muslims will never yield willing obedience to so dreadful an alternative."[28]

On the question of the efficacy of a Central Government for bringing about such an arrangement, Ambedkar was highly sceptical. The governmental machinery will be effective for the purpose, where 'race, language and religion do not stand in the way of fusion', as it happened in France, England, Italy and Germany. On the other hand, though under a single government, people in Hungary, Austria and Czechoslovakia failed to achieve unity because in these countries "race, language and religion were strong enough to counter and nullify the unifying power of Government". Similarly, in India the genius of the people is to divide and not to unite. We were never united except under the British rule, which succeeded only in bringing all Indians under an united administrative system. It had also

failed to forge a real unity among Indians. A sense of oneness was created to the minimum degree required during the freedom struggle in view of the common cause and aspirations. But basically, in the very psychology of the people of India, according to Ambedkar: "there is . . . no passion for unity, no desire for fusion. There is no desire to have a common dress. There is no desire to have a common language. There is no will to give up what is local and particular for something which is national".[29] This parochialist attitude of the Indians comes in the way of unity. He says further: "without such consciousness and without such desire to depend upon Government to bring about unification is to deceive oneself".[30] These observations of Ambedkar, made in the context of Pakistan, are of great significance and guidance for all times. Even after partition and the elimination of Muslim nationality from the national life, the fissiparous tendencies that persist in the life of the country today can be analysed and explained fully in this perspective only. The charm that is supposed to be there in variety, may not be palatable always and beyond a limit. Unity in diversity is hard to achieve, though it is desirable and has become an attractive slogan.

There were also proposals to preserve the Hindu-Muslim unity by making political concessions to the Muslims by way of safeguards, to avert partition. Ambedkar was convinced that in this particular case, any amount of safeguards to the Muslims in a composite polity would not bring about the desired political unity. Even granting that political unity could be achieved through such measures, it will not be sufficient to make a state, a nation of an abiding character. There are instances in history when even a religious unity could not bring about political unity. The comparative stability in the early Roman Empire and the later Holy Roman Empire was a case in point. The early Roman Empire, as is well-known, had achieved political unity without religious unity; whereas the Holy Roman Empire had religious unity, but not political unity and stability.

Similarly, Ambedkar thought that political unity even if achieved in undivided India by making political concessions to the Muslims, would still keep the Hindus and Muslims divided, as they belonged to 'two distinct species' of religion. He noted: "...For them Divinity is divided and with the division of Divinity their humanity is divided and with the division of

humanity they must remain divided. There is nothing to bring them in one bosom".[31]

Ambedkar, therefore, rejected the proposals for the assimilation of the Muslim nationality and of giving them political concessions as dangerous, impracticable and useless alternatives to Pakistan. His conclusion was:

> Without social union, political unity is difficult to be achieved. If achieved, it would be as precarious as a summer sapling, liable to be uprooted by the gust of a hostile wind With mere political unity, India may be a State. *But to be a State is not to be a nation and a State, which* is not a nation, has small prospects of survival...Those who oppose Pakistan should not only bear this danger in mind but should also realize that this attempt on the part of suppressed nationalities to disrupt a mixed state and to found a separate home for themselves, instead of being condemned, finds ethical justification from the principle of self-determination.[32]

He, thus, refuted both the alternatives of the Hindus, either of assimilation or that of showing them political concessions and thereby make them to live with the Hindus under one *Government as useless, dangerous and impracticable alternatives* to Pakistan.

Lessons From Europe

These scholarly observations of Ambedkar were obviously derived, not out of sentiment, or antipathy or prejudice, but on a scientific study of the historical events of not only India but of Europe, which had become the hot-bed of national strifes in the early twentieth century He recalled the fate of other countries which, like India, had sought to harmonise different nationalities. Pointing out to the developments in Turkey and Czechoslovakia, he advised the opponents of partition to open their eyes to those incidents and take lessons from them.

Turkey, which was an Empire, was completely dismembered by 1906. But what happened after 1906 was more serious. Turkey was reduced to a small State called the Republic of Turkey with an area which was a miniature fraction of the old Empire. So also Czechoslovakia, which was born after the First World War with Czechs, Slovaks and Ruthenians. It was

Turkey, Czechoslovakia and many others have foundered. If they wish to avoid shipwreck in mid-ocean, they must lighten the draught by throwing overboard all superfluous Cargo"[35] before they launch on their career as a free people. In this the Hindus will not be the losers because, as Ambedkar puts it:

> "The Muslim areas are an anomalous excrescence on Hindustan and Hindustan is an anamolous excrescence on them. Tied together they will make Inda the sick man of Asia. Welded together they v [illegible] unit. If Pakistan has the de [illegible] India, it has also the merit c [illegible] of conflict."[36]

Partition will also provide India a strong Central Government, which she cannot have without partition Moreover, the nationalism of the Muslims was 'set on the go'. As such, nothing could prevent its fruition If prevented, it would lead to social stagnation for both. Because of the mutual suspicions all along, the Hindus and Muslims alike have not launched on programmes of social reforms. That both suffered from social maladies was beyond dispute. The Muslim society in India was fully afflicted with a number of social evils as was the Hindu society. The social evils of child-marriage, polygamy, concubinage, right for the man to divorce, the purdah and the caste were looked upon by the Muslims as part of their religion. Hence they never thought of removing them. Thus, their social order had been a stagnated one in all respects. This stagnation would assume serious proportions so long as the Hindus and Muslims remained under a single political set-up, because of the mutual fears and suspicions that went with it The Hindus are no less sufferers in such a situation. So Ambedkar declared:

> ". . . Unless there is liberation of each from the other, there can be no doubt that this malaise of social stagnation will not be set right."

From all considerations—the political, social, religious and economic—Pakistan was, therefore, the most natural, obvious and indispensable remedy.

Philosophical Justification For Pakistan

The arguments for partition had all along been carried mainly

on political, economic and sociological considerations. It had been established that Pakistan was warranted and found inescapable from all these angles. But could one find a philosophical justification for the scheme? If so, were the Muslims putting forth their demand for Pakistan on well-considered and universally accepted and recognised tenets of political philosophy?

It was possible to bring in some principles of political philosophy to substantiate and justify the Muslim claim But the Muslim League itself, including Mr. Jinnah, had never drawn upon this source for their demands Either they were ignorant of the philosophical dimensions of the problem, or they had not tried to focus their demand in a philosophical perspective. Ambedkar, as a scholar-politician, could make a dispassionate study of the problem and could supply the philosophical justification for the scheme. He based it on the essential distinction between 'a community' and 'a nation'. Recognised political scientists like Henry Sidgwick have, in fact, dealt with such questions and have accepted the distinction between a 'community' and a 'nation'. They have also permitted to these groups, the corresponding rights against the established governments. Ambedkar drew a distinction between the two, by adopting the criteria of their ultimate destiny. The Muslims were not a 'community' but a 'nation'. A State may have a number of communities, who feel ultimately that they are one, though opposed to each other in some respects, and may have their own quarrels over some domestic problems of privileges etc. 'But in a state composed of a series of nations, when one nation rises against the other, the conflict is one as to differences of ultimate destiny'. Hence the differences and distinctions in their political rights. If a nation "will not be satisfied unless the natural bond that binds them is dissolved, then prudence and even ethics demands", said Ambedkar, "that the bond shall be dissolved and they shall be free each to pursue its own destiny".[37]

The Muslims were not conscious of this distinction, and the philosophical content of their demand; and as to their status as a distinct nationality. This was true till about 1935, from whence they were becoming slowly and dimly conscious of their nationality. Even Mr. Jinnah was no exception to this. The Muslim demand came to be crystallised in terms of a separate

nationality and expressed only in the Lahore Resolution of 1940 for the first time, because of an ideological transformation in Mr. Jinnah after 1935; and consequently there was a complete revolution in the Muslim ideology. Mr. Jinnah was a nationalist right from the beginning. He was accused of having played into the hands of the British because of this transformation in him. It was seemingly so, but the fact remained that Mr. Jinnah was a strong-willed man, his defects apart. ' In Ambedkar's estimate.

> "Mr. Jinnah...can never be suspected of being a tool in the hands of the British even by the worst of his enemies. He may be too self-opinionated, an egotist without the mask and has perhaps a degree of arrogance which is not compensated by any extraordinary intellect or equipment.... *At the same time, it is doubtful if there is a* politician in India to whom the adjective incorruptible can be more fittingly applied... No one can buy *him*. For it must be said to his credit that he has never been a soldier of fortune The customary Hindu explanation fails to account for the ideological transformation of Mr. Jinnah."[38]

On the other hand, the real explanation for this transformation lies in the fact that what stands between the Muslims and the Hindus is a spiritual element, which "is formed by causes which take their origin in historical, religious, cultural and social antipathy, of which political antipathy is only a reflection".[39] Further, it was, according to Ambedkar, due to "the dawn of a new vision pointing to a new destiny symbolized by a new name, Pakistan ... The magnetism of this new destiny cannot but draw the Muslims towards it. The pull is so great that even men like Jinnah have been violently shaken and have not been able to resist its force. .."[40] Such a motivation on their part, of course, did not emerge all of a sudden. It was there in a dim and hazy form. They did not give expression to it openly, either because they thought it was a dream almost incapable of realization, or because they were not aware of the philosophical justification for it. Thus there was nothing new, or sudden in the idea. The only thing was that what was once indistinct came to appear in full glow; and what was nameless had taken a name. Ambedkar felt that

Jinnah, instead of being attracted by a religious organization that was the Muslim League for making a dominantly religious issue of the demand, should have worked it up on a national plane through the agency of a secular organization. He had *enough philosophical justification for his* cause; besides the religious. It was unfortunate that a nationalist like Jinnah, too, should have lent himself to be branded as a religious psychofant. According to Ambedkar, Jinnah had the ability to do it. But he, *on the other hand, entered Muslim politics and helped re*-juvenating the Muslim League that had become weaker, instead of secularising it. This extremely communal character and outlook of the Muslim League was one of the weaknesses in the Pakistan *demand, and had made them think that they were* only another community; and not a nation. Instead of basing their demand on sound philosophical principles, the Muslims, including that nationalist Jinnah, kicked up the bogey of religion, which was a strategic *error. When it was rather difficult to* convince the critics, they resorted to the Johnsonian method and said 'damn your arguments! We want Pakistan'. The position was, philosophical justification or no justification, they *wanted Pakistan at any cost.* So "*once it becomes certain*", thought Ambedkar, "that the Muslims want Pakistan there can be no doubt that the wise course would be to concede the principle of it".[41]

*The Muslim demand for Pakistan could be further strength*ened by invoking that celebrated principle of the right of nations for self-determination that was responsible for radical shifting of boundaries and grand territorial readjustments in Europe, *following the* Treaty of Versailles. What were the specific implications of this principle? In the first place, it meant the right to establish a government of the choice of the people. Secondly, it meant the right to obtain national independence *from an alien race irrespective of the form* of government. The agitation for Pakistan, according to Ambedkar, came under the latter meaning of the right to self-determination. Of course, in India the Muslims were an alien race; and once they were released *from the British rule, they were to live* separately from Hindustan. Further, Ambedkar agreed, it was not always necessary that a separate national group; need think on the lines of virtual political separation. They might aspire for mere cultural

independence only. They might demand territorial separation and political independence only, when their minds will be worked up to such a pitch and when they will no longer be willing to continue to co-exist as one political entity. Such a claim becomes all the more valid when geography permits a clear separation.

Geographical Configuration

The Lahore Resolution of 1940 meant redrawing the boundaries. To Ambedkar the geographical layout permitted it in certain areas. He argued that in the case of the North-Western Frontier Province, Baluchistan and Sind, the Hindus and the Muslims were mixed up. Therefore, a territorial separation was not possible. The case of the Punjab and Bengal stood on a different footing as the Hindus occupied two different areas that were contiguous with India and separable. "In these circumstances", thought Ambedkar, "there is no reason for conceding what the Muslim League seems to demand, namely, that the present boundaries of the Punjab and Bengal shall continue to be the boundaries of Western Pakistan and Eastern Pakistan."[42] He was of the firm view that no minority should be allowed to suffer in order to comply with the League's demand. He asked: "If the Musalmans are not prepared to be content with safeguards against the tyranny of Hindu majority (in a composite India) why should the minorities be asked to be satisfied with the safeguards against the tyranny of the Muslim majority (in Pakistan)?"[43] He could hold such a view, as he was not a partisan at all in his approach. He maintained a high degree of objectivity throughout. He suggested transfer of areas wherever possible and shifting of population wherever necessary to eliminate the minorities in the borders of both Hindustan and Pakistan. He thought that was quite feasible. If considered in a cool and calm temper and faced boldly, shifting will be 'neither staggering nor baffling', he said.

Ambedkar's proposal for shifting of population involved shifting only a manageable number of people. Those who were inclined to think along with Adam Smith that man is, of all the things, the most difficult cargo to transport, may have had their own fears. To allay such fears, Ambedkar pointed out, in Punjab and Bengal the boundaries were to be redrawn and the question of shifting did not arise in those cases. The Muslims

residing in Hindustan did not propose to migrate to Pakistan *en masse*, nor did the League want it. So he thought, only if the two governments agreed on certain fundamental principles regarding transfer of property and such other essential issues, they could arrange for a smooth shifting of such population that would be willing to be shifted under state aid. A treaty embodying all such essentials could be arranged. He was also of the view that this state-aided transfer would be purely voluntary; and allowed only to members of a minority community. A suggestion, more or less to the same effect was made in the 'C. R. Formula' also. So Ambedkar said that the difficulties were not so serious and insurmountable as they were made out to be. No doubt the entire process was 'heart-rending' and 'painful'. "But once sentiment is banished and it is decided that there shall be Pakistan", Ambedkar reiterated, "the problems arising out of it are neither staggering nor baffling".[44] As a matter of fact his suggestion to shift the population came as an antidote to the poison of Pakistan.

Ambedkar's Own Scheme

The critics also alleged that he did not state his conclusions in concrete and specific terms and disposed off certain complicated problems in a brief and cavalier fashion. They were also at a loss to know whether Pakistan could be ushered in, in a just and peaceful manner. As there was some force in these charges, Ambedkar presented his conclusions on the issue in the concrete form of an Act of Parliament which, he called, 'The Indian Constitution (Preliminary Provisions) Act of 194...'. It was called a 'Preliminary Provisions Act' as he thought the issue of Pakistan was really treated as a *preliminary issue to* the granting of Dominion Status or independence to India. In this particular scheme of his, he provided an answer to most of the questions that could be posed, such as, who should decide whether there shall be Pakistan or not, etc.

In the first place, he wanted a poll to be taken separately of the Muslim and non-Muslim electors of the North-West Frontier Province, the Punjab, Sind, Bengal, and of Baluchistan. If a majority of the Muslim voters favoured separation and a majority of the non-Muslim electors voted against separation, then a Boundary Commission should be appointed for prepar-

ing a list of such areas and districts in the said Provinces, wherein the Muslim majority lived and they were to be called the Scheduled Districts, both in the east and the west, and they shall constitute Pakistan. He also provided for 'Arbitration', in case the Boundary Commission fails to draw the boundary by agreement.

After this, he provided for a second poll, only in the Scheduled Districts, to know whether they wanted separation forthwith. If the majority wanted it forthwith, two new states of Pakistan and Hindustan shall be ushered in. If the majority was against separation forthwith, a single constitution for British India as a whole shall be framed and no motion for separation shall be moved for ten years from the date of the new constitution Further, he thought it proper to keep the doors open for reunion after a lapse of ten years' period of partition, if the Hindus and Muslims thought it proper. So he preferred 'union after a separation of ten years' to 'separation for ten years and union thereafter'. He had no objection to make the severance not altogether sharp and complete. But, contrary to his personal preferences, he actually provided for union after ten years' separation, if such a decision were to be taken after ten years. However, he emphasised the prevalence of the will of the people in either case and at all stages. Neither the British Government nor the parties concerned could be allowed to take an unilateral action. The democratic principle of the people's will should ultimately decide whether there shall be Pakistan or not. The public opinion had, therefore, to be helped by throwing light on the several aspects and viewpoints on the issue. Ambedkar's thoughts on Pakistan, as contained in his book, achieved this objective in an abundant manner.

Another suggestion made by him, as a part of his Pakistan scheme, was the setting up of a 'Council of India', in the event of two separate states coming into existence. The proposed Council of India was to consist of a President nominated in *accordance with instructions from His Majesty and 40 members;* twenty each from Pakistan and Hindustan. The Members were to be elected by the Lower Houses of Parliaments of the two States. It was to promote "mutual intercourse and uniformity in relation to matters affecting the whole of British India, and to providing for the administration of services which the two

Parliaments mutually agree should be administered uniformly throughout the whole of British India, or which by virtue of this Act are to be administered".[45] He also provided for delegation of powers to the Council by the Legislatures of both the countries from time to time. It was also to make laws with respect to railways and waterways. This, however, was not to take away the powers of the respective countries to undertake construction, extension, improvement etc., of these public utilities, situated exclusively in their own territories.

This suggestion for the Council of India was a very interesting suggestion of his, as it was capable of several interpretations. Was he having in his mind a Federation of Hindustan and Pakistan with the Council acting, in a way, as the general government? Or was it to be a mere co-ordinating agency? If so, what was to be its duration? Did he conceive of it as a transitory arrangement for a smooth change over; or as a permanent one? But he himself hastened to add that it was not to be mistaken for a federation, and not even a confederation. "Its purpose", he said, "is to do nothing more than to serve as a coupling to link Pakistan to Hindustan until they are united under a single constitution." It was not a 'divorce' but was a 'judicial separation' which he had in mind.

Ambedkar also suggested a poll to be held again after 10 years on the question of separation or no separation? If the majority votes for separation, two separate States are to be declared by an Order-in-Council, and the Council of India shall be dissolved. If, on the other hand, the poll is in favour of united India, Pakistan shall cease to be a separate State and shall form part of Hindustan In that case the Council of India shall be replaced by a Legislature for United India by duly electing the Members to it. His suggestion regarding the Council of India was, it is clear, only to act as a co-ordinating agency, so long as there were two separate States.

The whole scheme that was given by him as an alternative to Pakistan contemplated the continuance of His Majesty's suzerainty over the two States for a minimum period of ten years, which was to be the period of experimentation and trial. During this time the Hindus could show that they could be trusted with authority; and the Muslims would have a reasonable period of ten years to try out Pakistan. In the light of

what Ambedkar himself argued all along, such a possibility was a remote one so far as its acceptability went. Excepting for the emphasis on the will of the people to decide the issue, the rest of the scheme sounded strange. The best part of his study was in his presentation of the two claims and his observations contained therein, rather than his own scheme. In the scheme itself the suggestion for communal plebiscite differed from the Cripps Proposals in so far as it had taken the Province as the deciding unit. Province could not be the basis, as the question on hand was not inter-provincial, but inter-communal. This proposal was based on the models in Europe, e.g., the Irish Unity Conference, the Home Rule Amending Bill of Mr. Asquith and the Government of Ireland Act of 1920.

It was rather difficult to hold or even think of holding a plebiscite in those days of turmoil and confusion. India then, as Ambedkar himself accepted, was 'a political mad-house'. Still, he was hopeful about the possibility of holding a plebiscite. He was against any other agency like the British Government to be relied upon for deciding it. There was no reason why the British should do it. They would never take the odium on themselves even though they had done it in the case of Ireland. The experiences were so bitter that it served as a 'warning' to the British and not as a precedent. The British Government's stand was contained in the Mountbatten's plan *which was as follows:*

1. that the responsibility for Partition, if it comes, is to rest fairly upon the Indians themselves;
2. the Provinces, generally speaking, shall have the right to determine their own future,
3. Bengal and the Punjab are to be notionally partitioned for voting purposes . . . etc.[46]

It is interesting to recall here that 'The June 3rd Plan', which formed the basis of the transfer of power, recognised in para 3 of the Statement of the Plan 'that power should be transferred in accordance with the wishes of the Indian people themselves....' As a referendum was not a practical method, it was decided that the Provincial Legislative Assemblies of Bengal and the Punjab should meet in two parts—the Muslim majority

districts and the other containing the rest of the areas, and vote whether or not the province should be partitioned. A simple majority principle was followed. The Legislative Assembly of Sind was to take a decision at a special meeting. Only in the case of North-West Frontier Province and the district of Sylhet; in view of the special circumstances there, a referendum was to be held, in case the Punjab and Bengal vote for partition.

There was, therefore, a close approximation between the scheme of Ambedkar and the stand of the British Government, in spite of a slight modification. He was of the firm view that "a referendum by people in the Pakistan Provinces seems to me the safest and the most constitutional method of solving the problem of Pakistan".[47] He laid a special emphasis on the procedure to be adopted, if the two states were to continue with friendly relations. It should be one of goodwill with malice towards none. The "procedure must be such that it must not involve victory to one community and humiliation to the other. The method must be of peace with honour to both sides. I do not know", wrote Ambedkar, "if there is any other solution better calculated to achieve this end than the decision by a referendum of the people".[48] He sounds prophetic in his utterances, when one views it in the light of Indo-Pak relations since partition.

The foregoing discussion on the Pakistan scheme, as presented and argued out by Ambedkar, warrants some comments in retrospect. We have seen that he has all along ably answered the vital questions posed by himself. He had, in the first place, concluded that the Hindu-Muslim unity was not necessary for the political advancement of the country. Even granting that it was necessary, it was beyond realization in the light of the political developments in India during the twentieth century that shaped the pattern of Hindu-Muslim relations. Moreover, historically, the Hindus and Muslims constituted different racial, cultural and religious entities, whose social and political outlook were different. That the Muslims were a nation had to be accepted 'without cavil'. The Hindus should have realised this position and proceeded on the basis that the demand for Pakistan was nothing but a call for a home-state or homeland of its own. With the Muslims becoming conscious of their nationhood, the idea of a home-state for them in this part of

the world was 'set on the go'. Once it was 'set on the go' it would be unrealistic on the part of anyone to think that the Muslims could still be persuaded to work for a united India Ambedkar was convinced that any amount of appeasement of the Muslims by political concessions and safeguards for them would not enlist willing co-operation from them. Why appease Muslims at the cost of other sections in India including the Hindus?, because the Muslim conditions for a united India included concessions which were much more than what their population would warrant. Applying force was to be ruled out completely. Ambedkar looked upon the two-nation theory and the resultant formation of Hindustan and Pakistan as the most natural political organization, by dissolving the most incoherent whole that was India. So they could no longer be brought under a single constitution and a single polity. Further, he was of the opinion that the vivisection of the country would not come in the way of Hindustan having adequate resources and defence as it leaves a 'safe army' for them. He argued that it was better to have 'Muslims whose loyalty to India is always doubtful, without and against; rather than within and against'. A safe army, rid of the Muslim preponderance, would be better than a so-called safe border. In the interest of democracy, peace and progress it was necessary that the two nationalities were separated.

Ambedkar was not prepared to impose his views on anyone, though he was convinced beyond doubt as to their validity and feasibility. He was willing to provide for a period of trial by bringing about a 'judicial separation' instead of a 'divorce' between the Hindus and Muslims to start with, so that they will have an opportunity to learn by practice He provided in his scheme for reunion after 10 years of separation, if the people vote for it in a referendum.

One may be curious to know as to why Ambedkar addressed all his arguments mostly to the Hindus. It was because he thought, as they were in a majority their views would count. He appealed to them to free themselves from 'a false sentiment of historical patriotism, a false conception of exclusive ownership of territory, and absence of willingness to think for oneself'. *He addressed his arguments to those who had lost, what Carlyle* called, 'the seeing eye'; and were 'walking in the glamour of

certain vain illusions'. He also thought it proper to meet the objections raised by Gandhiji who thought partition would be 'a moral wrong and a sin', and that 'Pakistan was only a fancy of Mr. Jinnah', without the support of the majority of the Muslims. "Partition of a country", replied Ambedkar, "is neither moral nor immoral. It is unmoral. It is a social, political or military question. Sin has no place in it".[49] India was not the only country facing the problem of partition. A number of partitions took place in Europe, out of sheer necessity. So to bring in moral considerations would only side-track the issue without contributing to its solution. As to Mr. Jinnah, Ambedkar accepted that he was not a man of the masses for a long time. Mr. Jinnah was always for a high franchise so that the masses might be excluded. He had even suggested that the Congress should restrict its membership to matriculates. All this was true. But what transformation Jinnah had undergone, under the stress of circumstances in the political life of the country, could not be overlooked. Mr. Jinnah did become a man of the masses in the late thirties, and had not only become a believer in Islam, but was prepared 'to die for Islam'. It might not have come out of a genuine change in his mind and heart, but as a political strategy for mobilization. His nationalism had taken a turn to Muslim Nationalism, as already discussed.

Ambedkar had fully realised that the question of Pakistan was not just an academic question, which one could refuse to discuss or agree to discuss for discussion only. A solution had to be found ere long, by agreement or even by arbitration, if necessary Since agreement was not forthcoming 'arbitration by an International Board' was advisable. He ventured upon this constructive suggestion and asked for referring all the disputed points of the entire problem of the minorities in India including that of Pakistan to an International Board for arbitration. The Board was to be composed of "persons drawn from countries outside the British Empire". Each statutory minority in India was also to select its nominee to this Board. He wanted the British to give an undertaking to have nothing to do with the communal settlement and would only implement the 'award' given by the Board, embodying it in a Government of India Act, and agree to give Dominion Status to India. This sugges-

tion was the best that could be thought of in the circumstances. It had many advantages. In his own words: (1) "It eliminates the fear of British interference in the communal settlement which has been offered by the Congress as an excuse for its not being able to settle the communal problem. (2) "It removes the objection of the Congress that by making the constitution subject to the consent of the minorities, the British Government has placed a veto in the hands of the minorities over the constitutional progress of India."[50] The British should have also welcomed it as it would relieve them of the thankless job of resolving the communal question. These advantages apart, what Ambedkar was trying to stress was that the minorities should together decide the fate of the majority! In this respect the suggestion was not justifiable from standards of justice, fair play and even political sagacity. With the nominees of the minorities on such an Arbitration Board, unanimous decision could not be expected and it also meant that the parties to the dispute, excepting the Hindus and the British, were to sit on the Board and vote. This also was not a sound proposition An International Board of Arbitration without any of the parties to the dispute on it would have been a more convincing and acceptable suggestion Moreover, his suggestion was in clear contradiction of his own scheme in 'the Indian Constitution (Preliminary Provisions) Act, in which he laid emphasis on a referendum at all stages 'as the safest and the most constitutional method'. This only indicates that he himself was not keen on giving his scheme as the only alternative. He had various solutions in his mind, all of which he did express. He was also perhaps convinced, on the basis of the 'pleadings' he himself had made, that there was no need for any other form of solution than partition. What he wrote in the last part of the book was significant. He wrote: "What I have proposed may not be the answer to the question: What next? I don't know what else can be All I know is that there will be no freedom for India without an answer. It must be decisive, it must be prompt and it must be satisfactory to the parties concerned."[51] He was modest enough to say that what he suggested may not be the only solution. Nevertheless, the significance and value of his thoughts on Pakistan lay in the clarifications he provided for the several intricate points involved in the demand. By providing a philoso-

phical justification and base for the demand, he fully succeeded in convincing the opponents that Pakistan was the only solution to the political deadlock in the country that was delaying independence. How many Indians had the courage of conviction to elaborate it, knowing fully well that it would be invoking the wrath of his fellow-citizens? He was even branded unpatriotic and anti-national. One is reminded of Edmund Burke, who was known for his frankness and forthright observations. Burke's writings and philosophy had largely influenced Ambedkar's life and thinking. This was evident in his speeches and writings. It would be appropriate in this connection to refer to Burke's "Thoughts on the Cause of the Present Discontents", in which he had made a fervent plea for appreciating the stand of the American Colonists. He had pleaded for conciliation with the colonists, but it fell on deaf ears and history took its own course. The colonists declared their independence from the 'Mother Country'. If only the British government had heeded the warning of Burke—it can be said in retrospect—and had accepted the contention of the colonists by arranging for a smooth transfer of power, there would have been abundant goodwill left between the two. History affords valuable lessons, such as these, to posterity. To those who contended that the demand for Pakistan was unjust, the only advice Ambedkar gave was not to forget history. He told them, in his reply to a debate on his book, in Poona:

> They cannot make history who forget history. To bring down the preponderance of the Muslims in the Indian army and to make the army safe, it is wise to let out the hostile element. We will defend our land. Do not be under the false impression that Pakistan would be able to spread its Muslim empire over India. The Hindus will make it lick the dust. I confess I have my quarrel with the caste Hindus over some points, but I take a vow before you that I shall lay down my life in defence of our land.[52]

The patriot and the historian in Ambedkar pointed out once again that it was the sheer force of historical events and circumstances that had to be kept in view, and not the advocacies by persons like him. Top leaders of the Indian National Congress, including Mahatma Gandhi, Jawaharlal Nehru and Sardar Patel, gave in ultimately to the Pakistan demand realising that it had

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become a political necessity, which Ambedkar was emphasising since 1940, when he first published his book. It was never his intention to hold a brief for the Muslim League, or to fight for the Muslim cause. His objective was to point out that Hindustan will be a stronger and a more peaceful country after partition. When he declared at the All-India Depressed Classes Conference at Nagpur in July, 1942 that 'the Muslims might turn out to be the very people against whom they (other minorities in the country) might have to raise the standard of revolt', Ambedkar was voicing his high sense of patriotism. It would, therefore, be a grave injustice to Ambedkar's nationalistic and patriotic feeling if any one were to think that he was playing into the hands of the British and the Muslims. His main anxiety all along was to make independent India that was to come, a more homogeneous entity, so that it may start off well on the path to progress and prosperity. He envisaged a free India in which there should be JUSTICE—social, economic and political—to one and all.

An attempt has been made in the foregoing discussion to present, in as comprehensive a manner as possible, Ambedkar's 'thoughts' on the Pakistan problem. It has been really a difficult task, in so far as it is an attempt to compress so varied, so scholarly and so exhaustive a treatment of the problem of Pakistan by Ambedkar in his masterly work. His work, *Thoughts on Pakistan, or Pakistan or the Partition of India,* was the only one of its kind on the subject that was appreciated for its candid and dispassionate treatment of the issue. Its coverage being so wide and so comprehensive in its political, economic, sociological and philosophical aspects that it was fit to be described as 'India's Political What is What'. It was, indeed, the *magnum opus* of Ambedkar. "Written at a psychological moment", says the biographer of Ambedkar, "it fell like a bombshell on the heated atmosphere of the day. India's man of great learning, great constitutional *pundit* and politician of varied experience gave out his reflections on the political problem of India... With the cool intelligence of a doctor he viewed and examined the malady of India. A book by a vigorous man is unlikely to be dispassionate. The subject was dealt with, with candour, competence, knowledge, courage and excellence. *Thoughts on Pakistan* is a masterpiece in which learning and

thinking are blended and displayed at their highest order. It is entrancing in its magic, intriguing in its construction, terse in its style, and provocative in its manner. It is a model in Scientific propagation!"[53] Of course, the book is not free from some element of propagation. It was bound to be there, though the learned author promised, in the Introduction to the book, that "the aim is to explain but not to convert". The book was intended to be an 'analytical presentation of Indian history and Indian politics in their communal aspects', as if to justify its claim to be called 'the Indian Political What is What'. His intellectual modesty made him to disclaim a dispassionate approach but he believed that he wrote it, free from all prejudices. He actually set before himself the task of 'expounding the scheme of Pakistan in all its aspects', which he has done in an admirable and exhaustive manner. In the 'Epilogue' to the book Ambedkar himself claims that in 'drawing the pleadings', he followed that "prolix style so dear to the Victorian lawyers, under which the two sides plied one another with plea and replication, rejoinder and rebutter, surrejoinder and surrebutter and so on", so that, "a full statement of the case for and against Pakistan may be made". After giving his findings on the basis of facts 'true to the best of his knowledge and belief', he invited the Hindus and the Muslims to give their findings. He posed, for their benefit and facility, all possible questions that had to be answered by the public, while expressing themselves either for or against Pakistan. This was no small an intellectual service that Ambedkar rendered in the political evolution of India. He was thus participating, in a positive and a very fitting manner, in the political life of the country by providing the much-needed food for thought on the problem. The Hindu and Muslim leaders and politicians were either too busy with their public activities, or were so much involved emotionally with the problem, that they were unable to give a cool consideration to the most burning problem of the country. The timing of the question was so crucial that without an answer to the question 'Pakistan or no Pakistan?' the stalemate in Indian politics would remain unresolved. It looked as if Indian independence was held at ransom on account of this issue. At such a moment Ambedkar came forward with his masterly analysis of the problem, full of intellectual candour and ballast, and,

thereby, he provided a justification for agreeing to partition. As Khan Abdul Gaffar Khan is reported to have disclosed, two individuals were prominent in agreeing to partition from the Congress side, and they were Jawaharlal Nehru and Sardar Vallabhbhai Patel. Of course, it was Shri C. Rajagopalachariar, whose was a lone voice then, that called out for an agreement on the issue between the League and the Congress when the League was reiterating its claim for Pakistan as the only acceptable solution for the Indian constitutional problem. This was suggestive enough, coming as it did, from a senior leader of the Congress The book gave an impetus to the Pakistan propaganda of even leaders like Rajagopalachariar in a way. It may not be too much to claim for Ambedkar, that such of the leaders amongst the Hindus, as were wavering on the issue and were in a 'neither-reject-nor-accept' mood, were helped by the writing to find a philosophical justification to accept partition without any more vascillation. Ambedkar's pleadings convinced the Hindu opponents that partition would strengthen the position of the Hindus and would pave the way for an enduring peace and prosperity for India. Even the most reluctant of the opponents like Veera Savarkar, Dr. Moonje, Mr. N. C. Kelkar, could not effectively refute the pleadings in the book, though they were terribly upset over it. This only showed that Ambedkar's arguments on the issue were irrefutable and perfect. Hence the importance of his writings and his thoughts on Pakistan.

But this was not all. To any keen student of Ambedkar, it would be very clear that in the course of his 'drawing the pleas' he was not just performing his job as a learned Barrister, but the scholar and prophet in Ambedkar was no less prominent. The critics, who thought that Ambedkar drew only the pleadings, naturally were curious to know whether he had any scheme of his own. Of course, he has given a number of suggestions for action, as for instance, the transfer of population as a sovereign remedy for the communal problem. As Ambedkar himself pointed out, "...I have expressed my views in quite positive terms, if not on all, certainly on many questions. In particular I may refer to two of the most important ones in the controversy, namely, Are the Muslims a Nation, and have they a case for Pakistan?"[64] Besides, he expressed his definite views on the resulting national frustration, if the Pakistan scheme

were to die. He foresaw a terrible sense of frustration that would befall the whole nation and the Hindus and the Muslims alike. So he was actually pleading for partition and the creation of Pakistan and Hindustan into two separate nations. Ambedkar took great pains to highlight the fruits of his own independent line of thinking and research into the history of India, in the course of this great work of his. Thereby, he was helping the public of India and abroad to arrive at their own conclusions. In this striving of his, he brought to bear upon his thoughts his natural intelligence, perseverance, perceptibility and above all courage and honesty. He was sincere and had a legitimate interest of the nation at heart, when he was presenting the Pakistan issue to the public. It would be naive, nay mischievous, on anybody's part to brand him on that account as un-Indian and anti-national. He was only unmasking the historical truths and bringing to the surface the political realities of the situation. Thus, he rendered an invaluable intellectual service to the nation at a very crucial period in the political and constitutional evolution of India.

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CHAPTER

7

From Bondage to Freedom:

Last Phase of the British Rule

THE OUTBREAK of the Second World War on September 2, 1939 had its own impact on Indian politics. Though India was not the actual theatre of war, it had its own repercussions on India too, as in other parts of the world. The reaction to the War from different sections of the Indians was bound to be varied and mixed. It was not always a favourable one anyway. If the Indian National Congress, for example, took the extreme step of coming out of the office in 'the Congress Provinces' in protest against committing India to the war without consulting them, the Muslim League gave its support to the British on the War. Not that the Congress was not for fighting the evil forces of Nazism and Fascism, but its policy was: 'India should not be committed to any war without the consent of her people or their representatives, and that no Indian troops be sent for service abroad without such consent'.[1] Such a policy was understandable, in so far as they never wanted Indian troops to be used by the British to suppress freedom movements elsewhere.

In this particular War no such risk was, however, involved. The war was in defence of democracy, and was against the Nazi and Fascist upheavals. Even the Communists had to join the war, of course, for their own reasons. The Congress, therefore, should not have thought of such a serious step as coming out of office.

As pointed out in the foregoing chapters, this decision of the Congress to oppose the War-efforts in such a vehement manner was a great mistake that only antagonised the British. On the other hand, the League came to be 'pampered' further, and as Mr. V. P. Menon looks at it: "In return for Muslim support for the war, they (the British) were willing to do almost *anything that the League desired*".[2] *If only the Congress had* continued in office in the Provinces, the party could have bargained with the British from a position of great strength. Once the Provincial Ministries resigned, the position of the Congress was weakened. The younger generation among the Congressites that constituted the left wing, chose the very situation for gaining Indian freedom by resorting to extreme steps. This pragmatic approach was voiced forcefully by Subhas Chandra Bose, who even escaped from the country and organised the Indian National Army. Such an extreme step by an important leader of the Party put the Congress in a very awkward position *The Government could not but view the situation with great* concern and decided upon a more cautious policy. Any other form of protest, short of resignation by the Congress Provincial Ministries, would have been justifiable. Such steps and developments could only convince the British that the Hindus were intransigent on the constitutional problem of the country. The Congress gave an impression to this effect further, when it launched the Civil Disobedience Movement during 1940-41; rejected the Cripps offer, in March, 1942; and asked the British to 'Quit India' forthwith. The 'Quit India' campaign of August, 1942 and the formation of the Indian National Army by *Nethaji Subhas Chandra* Bose, though were exciting enough to the Indians; to the British, they were a grave threat to their existence in India. Above all, these events came at a time when 'the British had their backs to the wall in Europe' in the War.

The policy of the Congress to oppose the war-effort was,

perhaps, shaped on two considerations: (*a*) The reward they had received from the British for the co-operation they gave during the First World War of 1914-18. As we know, the promised Dominion Status was not granted and the British chose to give self-government in instalments, which was not acceptable to the Indians. (*b*) Secondly, the Congress, on the basis of the events of the War in the beginning, had somehow gained the impression that the War would culminate in a defeat for the British. Of course, if the British were to be defeated, the Congress-strategy would have worked well and succeeded. A negative approach, like the one they adopted, would have yielded fruits. It is interesting to read, even now, some of the declarations by important personalities in the Congress—including Mahatma Gandhi and Jawaharlal Nehru—who had said that it was not their intention at all to exploit the situation of war for attaining freedom. They pointed out that the Congress opposition to the War and refusal of co-operation in it, were emanating from a theoretical and ideological commitment. The Congress policy of non-violence and anti-colonialism was reiterated in the resolutions of the Congress on the subject during this period.

Contrary to the negative reaction of the Congress, the reaction of the Muslim League to the question of co-operation in the war-effort was a positive one. The Muslim Prime Ministers of Bengal and Punjab expressed their support to the Government and they continued in office. The Muslim League expressed its sympathy and actually took advantage of the situation and made the British feel that the Muslims were, after all, their reliable friends. Perhaps, the League was guided by more practical considerations. In this context, we should also appreciate the difficulties of the Congress, in so far as it was an organization with an ideological tradition and commitment, unlike the League. No doubt, with the advent of the Mahatma, the Congress had become a mass organisation. It is also true that it came under the spell of Gandhian approach to politics. It, therefore, was all along committed to sanctions like non-cooperation, civil-disobedience, based on the fundamental principle of non-violence. Gandhiji was the chief architect of this 'saintly politics' *that* was an admixture of morals and politics. To the Mahatma, the purity of means was not just important, but it was to be

the sole criterion to judge all actions without any concern for the end. So an organization, that had come under the grip of such an influential mass leader, could not but apply similar standards and sanctions, throughout, in evolving its policies

On the other hand, the League was not committed to such rigid principles in its approach to politics. It was flexible and pragmatic enough to use a situation to its own advantage. An approach of positive support to the British at a critical time, and of increasing intransigence towards the Congress demand for complete independence, enabled the Muslim League to become the most pampered section in the country. In the meantime, the two-nation theory had gained sufficient ground and currency. Mr. Jinnah had magnified the so-called 'atrocities' committed by the Congress Ministries upon the Muslims. He wanted to take advantage of the resignations for the purpose, and started insisting that they should not be allowed back into power. His bargaining capacity went up as he was willing to agree to Dominion Status, unlike the Congress which was not prepared to accept anything less than complete independence. So to achieve this object the Congress launched the 'Quit India' movement which had an adverse effect. To quote Mr. V. P. Menon:

> "...it created the atmosphere of civil war in which the extremist position of the Muslim League came to be viewed as natural and righ [illegible] fact, within a year of [illegible] the League succeede [illegible] Governments of Ass [illegible] West Province, that [illegible] except the Punjab. This meant, of course, a very great increase in its stature as a party."[3]

When it assumed such a dimension, the League could create more difficulties in Indian politics Thus the constitutional deadlock, coupled with the political stalemate, created a great impasse in Indian politics. It was a crucial period in Indian politics indeed. Subsequent developments leading to the exit of the British should be viewed in this perspective only.

Looking at it from the British point of view, they justified their stand of not discussing anything about the political and constitutional changes for India during the War, in view of the

gravity of the international situation. A period of war would be naturally a period of great anxiety for any Government, when all ranks will have to be closed up and all energy and attention devoted to the War-effort. Britain could have not only the legal, but also the moral sanction for such a decision. But it was not actually done, though some precautionary steps such as the passage of Government of India (Amendment) Act of 1939, were taken in order to give extensive powers over Provincial Administration. It was rather surprising, how even the Conservative Government that came to power during the crisis under the leadership of a die-hard conservative, Sir Winston Churchill, could agree to negotiate. Even he, who had declared that he had not become the first Lord of His Majesty to preside over the liquidation of the Empire, did not block the efforts to resolve the Indian stalemate. In fact, the period 1940-1946 was a period of intense and hectic political activity and negotiation at all levels that hastened Indian independence.

Such a policy on the part of Britain was, perhaps, due to certain factors: In the first place, Mr. Leopold Amery, who was Secretary of State for India in Mr. Churchill's Cabinet, was no less an imperialist. But he was more open-minded and liberal on Indian affairs than Churchill. The very fact that he had not opposed the Government of India Act, 1935, and he was a member of the 'Round Table' group, testifies to his liberal attitude towards India. This was of some advantage in keeping the dialogue on the constitutional problem alive and going. Secondly, the course of events in the Second World War was creating great anxiety among the British. Specially, when the Japanese were gaining an upper hand, and when their ships were seen in the Indian Ocean, the British could not remain indifferent to the internal tension and disorder in India. The Indian support and willing co-operation was more imperative at that hour than at any other time. On the eve of the Japanese attack on Pearl Harbour and other American positions in the Pacific, a conciliatory approach was made by the Government. This enabled the negotiations with the Indians to be continued, despite the War. In the third place, the pressure of international public opinion had its own impact on the British policy on India. They had to do something to resolve the Indian deadlock, even at such a critical juncture as that. Mention must be

made here of the good offices of President Franklin D. Roosevelt of the U.S.A., and Chiang Kai-Shaik of China. Chiang visited India in February, 1941, and met the Congress leaders. He urged President Roosevelt to intervene, when he met him on his return journey. The Senate Foreign Relations Committee in the U.S.A., also expressed its disapproval of the British approach to the Indian problem. President Roosevelt thought it proper and necessary to address Mr. Churchill in the matter, which had the desired effect. It is also to be noted here that Roosevelt even sent one Col. Louis Johnson as his personal envoy to be present in India, when Sir Stafford Cripps was on his Mission in India, so that he may do what he could, as a mediator. Finally, the effective demonstration of dissatisfaction by the Congress and other parties and individuals forced the British Tories to make another attempt to resolve the deadlock The outcome of all these forces was the despatch of Sir Stafford Cripps to India by Mr. Churchill, with a view to finding out an agreeable solution to the Indian crisis. In the meantime, the Viceroy also announced the decision "to enlarge the Executive Council to twelve members, of whom eight would be Indians, but they would not be members either of the Congress or of the Muslim League". As a conciliatory gesture, the Government also released all the Congress leaders who were imprisoned for the Civil Disobedience Movement, including Pandit Nehru and Maulana Azad. The stage was thus set for continuing the efforts towards a solution.

The War, the Freedom Struggle and the Untouchables

As pointed out already, the Indian political and constitutional deadlock could not be approached bilaterally and its facets demanded a multi-lateral approach. Besides the Congress and the Muslim League, innumerable other organizations including the Independent Labour Party, the Depressed Classes Conference, the All-India Scheduled Castes Federation, the non-League Muslim Organizations, the Hindu Mahasabha and a number of such organizations had their own views on the problem, and also their own demands. Ambedkar had, by then, formed the All-India Scheduled Castes Federation to fight for the Scheduled Castes' interests. Naturally, he could not remain inactive.

The war-period was of great significance in the public life of

Ambedkar who, on behalf of the Untouchables, lent total support to the British in the war-effort, even though he expressed his dissatisfaction that India had no voice in her foreign policy on war and peace. In early 1941, he exerted himself to the maximum in exhorting his people to join the army in large numbers and thereby render their service to the Empire at a most critical period of its existence. Here was an unique opportunity for Ambedkar to channellise and exhibit, not only the patriotism of the Untouchables but also their fighting qualities, particularly of the *Mahars*. The Government actually raised a Mahar Batallion under his persuasion. The leader of the Hindu Mahasabha, V. D. Savarkar, commended this effort of his, even though he was opposed to the war itself. To Savarkar, it meant a reanimation of the military qualities of the Hindus. Ambedkar achieved a great success in this task and no wonder his services were appreciated by the Government. He was appointed a Member of the Defence Advisory Committee.

The announcement by the Viceroy regarding the expansion of his Executive Council, so as to include the leaders of the minorities, was generally welcomed. But the non-inclusion of the Sikhs and the Depressed Classes came as a great shock to them. The Council was announced in July, 1941. Ambedkar called it 'an outrage and breach of trust'. He called upon his people to continue to join the military forces unabated, despite denial of representation to them in the expanded Council He laid emphasis rightly on the need of the hour. He told them that 'if the Nazis overran the country, there would not be much of an Expanded Council left to fight for'. He added: 'he was not prepared for a change of rulers to start the struggle once again for self-government right from the beginning'. Addressing the All-India Depressed Classes Conference at Nagpur in July, 1942, he observed that it was a war between dictatorship and democracy, a dictatorship that was based on racial arrogance. The Nazi dictatorship would be a menace to the future of Mankind So it must be fought to preserve democracy as the governing principle of human relationship. This explains why he exhorted the Untouchable youth to even suspend their studies and get Commissions in the Army, since that was the prime need of the hour. After all he was thinking and guiding his people on right lines. He was not, however, acting as a recruiting agent for the British armed forces, as deni-

gratingly alleged by his critics. He was only acting as an honest and sincere champion of a free society. He also thought that it was not the time to bother the British with any other thing than the War. It would not be just to take advantage of the opponent's troubles, he thought. You can settle your bill with him when he is in a position to do so. This is how Ambedkar reasoned. He was never thinking in terms of taking advantage of the British plight during the War, either for the benefit of his people or even for the liberation of the land. He was motivated with a sense of *fair play and generosity and gentlemanly gesture towards the* British. This being construed as an act of a British stooge, passes one's comprehension. We have only to recollect here that the same sense of fair play and generosity had prompted Gandhiji to render similar service to the British Empire during the First World War. If Gandhiji was not marked for this charge then, why should Ambedkar be branded during the Second World War? He was only driving home the stark realities of the situation when the choice before the people was not between *Swaraj* and the British Government, but between forces of democracy and totalitarianism.

Mahatma Gandhi, contrary to his stand during the First World War, chose, on the other hand, to start the Civil Disobedience Movement shortly after the outbreak of the Second World War! The Ramgarh Resolution of the Indian National Congress of 20 March, 1940 declared in clear terms, that the Indians had nothing to identify themselves with the British in the war-effort, as it was carried on fundamentally for British interests The resolution also prohibited Congressmen from helping in the prosecution of the war with men, money or material. It called for civil disobedience. Ambedkar had his own explanation to offer on this strange behaviour of the Congress. According to him, it was purely a political move on the part of the Congress. In a lengthy letter to the Editor, *The Times of India,* Ambedkar wrote.

> The basis of this sudden call to arms by the Congress lies in its desire to force the Viceroy into abandoning his project of installing the minorities and other non-Congress parties in the expanded Executive Council. . . . "The Congress is fighting to obtain the keys of power in its own hands. If Mr. Gandhi felt that the Defence of India Act had deprived the country of the liberty of speech, why did he not start

his civil disobedience immediately after the Act was passed? Why did he wait for a year?" . . . asked Ambedkar. He concluded thus: "The hardship caused by the Defence of India Act is only an excuse put forth by the Congress to clothe the torpedoeing of the Viceroy's plan and to prevent the minorities and others from getting political power. . . ."[4]

Ambedkar's disclaimer to the Quit India Movement and his active support to the British were construed to be anti-national and pro-imperialist activities. It was the misfortune of a social revolutionary and political radical like him to be always the target of such insinuations. He was always more misunderstood than being understood. Here was an opportunity for his opponents to denigrate him as one, going by the loaves and fishes of office, particularly in the light of the Viceroy's decision to expand his Executive Council. There was a clear indication that only minority leaders would be picked up for the purpose, in which case Ambedkar's claims could not be easily set aside. There could not be much of a justification, however, for the British policy in this respect. They could have kept the offices open for the Congress and the League Members too. Perhaps, the British strategy was different. They wanted to force the Hindus and Muslims to come to an agreement and render co-operation to them. But it was looked upon by the excluded major communities as a device to placate the minority groups and their leaders, thereby driving a wedge between them and the minorities. Ambedkar and the Untouchables were called the tools of British Imperialism since they did not join the 'fight for freedom' and were willing to co-operate with the British in the war-effort. Ambedkar accepted that the Untouchables did not take part in the fight for freedom, specially during the Quit India Movement. Of course, in either case the charge was baseless and the whole controversy was wrongly focused. It should be recalled here that a large number of Untouchables, throughout the country did participate in the movement along with others. The more relevant question would have been why Ambedkar chose to lend his active support to the British during the War. Was it guided solely by considerations such as mentioned in the foregoing; or was it to gain the sympathies of the British for emancipating his people? Ambedkar explained elaborately the stand taken by the Untouchables regarding the freedom movement. He tried to remove certain misconceptions in

this regard. In his view, the Untouchables participated and also did not participate in the movement. They did not participate alongside the Congress and in the manner the Congress expected them to, because the concept of freedom for which the Congress was fighting was different from that of his. He thought that the Congress was laying emphasis on one aspect of it only, viz., freedom from British imperialism, which was but one step. Ambedkar was actually looking much beyond the viewpoint of the Congress. He stood, no doubt, for freedom from British imperialism, but with proper arrangements for an equal emancipation for one and all, the emancipation of the strong and the weak, the majority and the minorities alike. The emancipatory role of the movement should be an all-round one His reasoning was that the overnight exit of the British under pressure of the freedom movement ". . . will establish Hindu domination, which is sure to close to them (the Untouchables) and forever all prospect of life, liberty and pursuit of happiness and that they will be hewers of wood and drawers of water. . . ." So ". . . What they insist upon is that free India is not enough Free India should be made safe for democracy . . . if no provisions are made in the constitution to cut the fangs of the Hindu Communal Majority, India will not be safe for democracy. . . ."[3] Ambedkar had real apprehensions as to the Hindu majority-rule that was bound to be established through the Congress after independence. The Congress opposition to the communal safeguards in the name of national unity, he thought, would only enslave all other minorities including the Untouchables He drew from the policies of the Congress and particularly from the nature of Indian social life, in justification of his belief to that effect. So while the Untouchables were anxious to make India not only free, but also make it safe for democracy; the Congress, though not opposed to democracy, was 'certainly opposed to creating conditions which will make democracy real'. Ambedkar was not in a mood to accept an agreement, in advance, promising safeguards in the future constitution. He, on the other hand, challenged the right of the Congress 'to arrogate to itself the right to say what should be the constitution of a free India'. Moreover, ". . . the experience of the world", he pointed out, "does not justify the hope that when the 'Fight for Freedom' ends, the stronger elements have shown the generosity to give security to the weaker elements."[4] The betrayal of the Negroes by

the Whites after the Civil War in the U.S.A. (1861-65) is a case in point. The Untouchables, therefore, ". . . cannot forget the fate of the Negroes. It is to prevent such treachery that the Untouchables have taken the attitude they have with regard to this 'Fight for Freedom'. What is wrong in this? Are they doing anything more than follow the advice of Burke, who has said that it is better to be accused of timidity than to be ruined by overconfident security?"[7] he asked. Ambedkar went even to the extent of branding the freedom fight of the Congress as mere '*tactics*'.

The discussion so far brings to the fore certain important points. The controversy centred round one fundamental factor, that is, the factor of proper and appropriate priorities. The Congress, by virtue of its experience in its dealings with the British, had come to believe that the British did not mean business sincerely. The British were bent upon retaining power, and the so-called difficulties posed by them were not beyond solution. As Mahatma Gandhi had declared at the Round Table Conference, the minorities' problem was a deliberate design of the British to counter the nationalist forces. Once the British quit India, all problems would be automatically settled. The Congress also believed that internal difficulties of differences of opinion, and safeguards for minorities should be settled among the Indians themselves in a free India, and not under the aegis of the British. This attitude of the Congress was due to the suspicions it entertained as to the British intentions The British, on the other hand, wanted to be there in India so long as the Indians did not come to an agreement.

Ambedkar, on the other hand, believed in following a cautious policy for the Depressed Classes. He thought, once the British were out from India, the moderating influence they were exerting would be removed, which might be fatal to the minorities' interests. In all his writings he reasoned on the assumption that there was something inherently undemocratic in the Hindu society; and the Hindu religion was known for its graded and built-in inequalities. With the dawn of freedom, therefore, the Hindu majority could not be trusted, once again on the parallel of the Negro experience. So, unlike the Congress, he wanted that priority should be given for settling the question of providing adequate safeguards in the constitution for the minorities before the transfer of power to Indians. Unless an agreement is arrived at on

this point, freedom would be a menace to the minorities. So he wanted the British to take necessary steps in that direction. The apprehensions of Ambedkar in this regard were due to the suspicions he had of the intentions of the Congress, which was opposed to putting in the hands of the minorities a veto upon freedom of India He was also proceeding on the assumption that the *British intentions were sincere and they had already 'moved in the* direction of fulfilling Indian aspirations' He pointed out the steps taken by the British through the Reforms of 1919 and 1935. "*If from 1939 there has been a halt*", *he asserted*, "*it is mainly because* Indians are not agreed on the sort of constitution they want for their country" To the Untouchables, India's freedom is like 'property held by a receiver and as soon as the dispute is over and the right kind of constitution is settled, it has bound itself to hand over the property to its rightful owners, namely, the Indians' Thus he justified the stand of the Untouchables inasmuch as they wanted to take advantage of such a situation for their own good They were to co-operate with the British in achieving this objective By opposing them the Untouchables would be jeopardising their own cause This, however, was not to be misunderstood as an unpatriotic and pro-imperialist and sectional approach, because Ambedkar never hesitated to point out the deficiencies in the British proposals from time to time and refuse his co-operation It would not be doing justice to him if we are to think that he lent his unconditional support and loyalty to the British always At this juncture it would be proper to examine his attitude to the Cripps Proposals for resolving the constitutional deadlock in the country

Churchill had to make fresh attempts. He declared in the course of his statement in the House of Commons on March 11, 1942:[8] "The crisis in the affairs of India arising out of the Japanese advance has made us wish to rally all the forces of Indian life, to guard their land from the menace of the invader. . . ." Mr. Churchill explained his desire to refrain from doing anything that would provoke "fierce constitutional and communal disputes at a moment when the enemy is at the gates of India". So instead of setting out his proposals in the form of a declaration, Mr. Churchill proposed to send a member of the War Cabinet to India, to satisfy himself on the spot, by personal consultation, that the conclusions upon which we are agreed, and which we believe represent a just and final solution, will achieve their purpose. . . Accordingly, Sir Stafford Cripps, the Lord Privy Seal, who had volunteered to undertake the delicate mission, was despatched with the proposals of the War Cabinet on the Indian problem to ". . . strive in their name to procure the necessary measure of assent, not only from the Hindu majority, but also from those great minorities, amongst which the Moslems are the most numerous and on many grounds pre-eminent". Sir Stafford Cripps, a genuine friend of India, accordingly came to India on March 23, 1942, and he published the proposals he had brought on March 29 at a Press Conference. The salient points of the Cripps Proposals were as follows, in so far as they related to the communal question: (1) The formation of a new Indian Union with Dominion Status with a right to withdraw from the British Commonwealth. (2) A Constituent Assembly to be formed immediately after the cessation of the hostilities. This Assembly was to have the fullest powers to frame a constitution for India. It was to be elected under the system of proportional representation by an electoral college consisting of the members of the lower houses of all the Provincial legislatures. The Princely States were to send their nominees in proportion to their total populations (3) The Provinces and the States might, if they choose, remain outside the scope of the constitution It might be decided through a plebiscite with a bare majority. (4) The Constituent Assembly would be required to enter into a treaty with the British Government. The treaty would contain provisions for the safety and security of racial and religious minorities. The British would withdraw their sovereignty, and the constitution framed by the Cons-

tituent Assembly was to come into operation, once the treaty was signed.

Ambedkar's reaction to those Proposals was typical and uncomparably pungent. No other leader or party could have denounced them in such vehement terms as he did. He, as the leader of the Depressed Classes, issued a Press Statement[9] in which, he called the Proposals 'a sudden *volte face* on the part of His Majesty's Government'. They denounced the minority rights which, Ambedkar called 'the Munich Mentality'—the essence of which was to save oneself by sacrificing others. He expressed great surprise at the proposals that came from Sir Stafford Cripps, who should have known better. The proposals were an *volte face* in so far as they were now conceding what was rejected once. The demand of the Congress for a Constituent Assembly was rejected by Mr. Amery on the floor of the House of Commons on August 14, 1940, on the ground that it would not be in the best interests of the minorities like the Muslims and the Depressed Classes So there could not be a Constituent Assembly and Constitution without an agreement between these principal elements of national life. But the Cripps Proposals came to concede a Constituent Assembly with the indirectly elected and a nominated element. The insistence on a prior agreement among the various communities was sacrificed in the proposals. On the other hand, there was to be a treaty to safeguard the interests of the minority communities. This was designed only to appease the Congress.

The Proposals also went to concede the demand for Pakistan indirectly, by providing for the Provinces and Princely States to choose to join the new constitution or stay out of it This was, once again, in clear contravention of Mr. Amery's declaration of April 23, 1941 on the floor of the House of Commons opposing the vivisection of the country. Mr. Amery had said, on behalf of His Majesty's Government, "I am not concerned here to discuss the immense practical difficulties in the way of this so-called Pakistan project nor need I go back to the dismal record of India's history in the eighteenth century or to the disastrous experience of the Balkan countries before our eyes today in order to point out the terrible dangers inherent in any break up of the essential unity of India, at any rate in its relation to the outside world After all, there is no British achievement in India of which

we have reason to be proud than the unity . . . we have given her".[10] But in the Cripps Proposals this stand was completely changed, just to win over the Muslim League. The British were prepared to give something more than what the League was asking for. The League was only asking for a right to raise the question of Pakistan at the time of the new constitution. The only explanation for this *volte face*, thought Ambedkar, was that Great Britain had become ". . . panic-stricken The proposals are the result of a loss of nerve. How great is the panic that has overtaken His Majesty's Government can be easily seen if one compared the demands made by the Congress and the Muslim League and the concessions made to them by these proposals. . . ."[11] Ambedkar thought that these proposals were "intended to lead India to wage a total war in which Hindus, Mussalmans, Depressed Classes and Sikhs are called upon wholeheartedly to participate".[12]

He was particularly bitter over the deal to the Depressed Classes in the Cripps Proposals, which was also an *volte face*—not in their favour, but to their detriment. The attitude of the British towards all other sections, excepting the Congress and the League, had undergone a thorough transformation Mr. Churchill had made enough suggestion to this effect in his statement referred to already. Sir Cripps also was inclined to think on the lines of making a distinction between the major and minor parties. The major parties were those whose consent was necessary for adopting a solution The minor parties were those with whom consultation was enough. This was a new distinction that naturally placed the Depressed Classes on a lower plane than the one given to the Muslims. Ambedkar was very much annoyed at this invidious and obnoxious distinction introduced all of a sudden, contrary to the earlier pronouncements by the Secretary of State and successive Viceroys. It was nothing short of a breach of faith with those minorities who had thrown themselves into the war-effort wholeheartedly. He denounced it in most unequivocal terms as nothing but handing over the Depressed Classes to the caste Hindus, bound hand and foot. He was terribly disappointed as the Cripps Proposals did not offer the Depressed Classes anything but stone instead of bread. 'The constituent assembly', he said, 'is nothing short of a betrayal of the Depressed Classes. The proposed nature of the composition of the Constituent Assembly

would not help the Depressed Classes at all. Their voice cannot count'. So by these proposals, His Majesty's Government 'have thrown the Depressed Classes to the wolves'. He was not optimistic at all about the adequacy and efficacy of the proposed treaty in protecting the interests of the minorities The nature of the proposed treaty was such that either it would never come off, and if it came off the British would not be in a position at all to enforce the treaty provisions in case they were violated by the parties. There would be either no means to enforce the treaty obligations, or the British would not be willing to use those means to coerce the Indian National Government to abide by the terms of the treaty. The Cripps Proposals were, therefore, unacceptable to Ambedkar who had a life time's responsibility and duty to protect the interests of his unfortunate and down-trodden millions. He was particularly aware of this duty of his, while a new constitution for a free India was to be hammered out. At every stage, therefore, in the course of the constitutional development of our country he took great care to see that the interests of his men were not sacrificed to appease someone else whose voice, perhaps, was more vocal When such an effort was actually made in the course of the Cripps Proposals, he could not be caught napping. He was very much alert to the implications of the Proposals and rightly denounced them as a 'Munich Mentality' that was writ large on these Proposals. In his Statement to the Press, he called upon the British to withdraw those Proposals forthwith. "If they cannot fight for right and justice and their plighted word," he said, "they should better make peace They can thereby at least save their honour". If he were a stooge of the British imperialists, as alleged, he would never have used such exceptionally strong and incriminating language to condemn the Proposals. So it would be highly improper and unjust to brand him as a stooge. On many an occasion, whenever the situation demanded a strong and bitter approach, he never hesitated to be brutally frank in his lashings at the British Government.

Framing a Constitution for India: Ambedkar's Stand

Ambedkar's reaction to the Cripps Proposals brings to light a very important viewpoint of his on the question as to who should frame the Constitution of the country. He questioned the very validity of having a Constituent Assembly to write the new cons-

titution It is appropriate to discuss his views on the question in view of what happened later and his role in the Constituent Assembly of India, when it came into being.

He expressed his opposition to the project of the Constituent Assembly itself, as suggested in the Cripps Proposals. He had taken strong objection to the manner of its composition, which would not enable it to bring into it progressive elements. He thought that the representatives of the Depressed Classes may not find a place at all, as no communal quotas were fixed. Even if they were to be there, they will be in a hopeless minority. Since a bare majority vote would suffice to decide any question of fundamental and constitutional importance, the voice of the Depressed Classes would never count in the Assembly. The proposed system of Proportional Representation would result in the caste-Hindus virtually having the right to nominate the representatives of the Depressed Classes. They would, naturally, be the tools of the caste-Hindus. Ambedkar anticipated that only those Depressed Classes who belonged to the Congress would be brought into the Assembly. For, he argued further, the Assembly would be backed by the Congressites that would form the dominant party and would carry out its own programme. In such an event, it would follow that Depressed Classes would not get anything in the new constitutional arrangement, for the simple reason that Gandhiji and the Congress were opposed to giving political safeguards for the Depressed Classes. What the Congress might do in the Constituent Assembly might amount to [illegible] granted to them under [illegible] nstituent Assembly and [illegible] 35 Act itself, with suitable modifications, as the new constitution for the country, is to be understood in the light of these views of his.

His views on this question were expressed in a more organized way in his Address to the All-India Scheduled Castes Federation held in Bombay on May 6, 1945. In this Address, which was published under the title *Communal Deadlock and a Way to Solve It*, he raised a more fundamental question as to who should frame a constitution for India? It was wrong to expect, Ambedkar replied, the British to solve the deadlock and frame the Constitution too. All along, the constitutions were imposed ones, which could not be the case in free India. In a free Constitution

there cannot obviously be a place for reserved powers and 'break-down clauses', like the notorious Section 93 of the Government of India Act, 1935. In all such imposed constitutions "there is either a constitutional Government or a Rebellion". That means, ". . . the Constitution must be so made that it will not only command the obedience but also the respect of all; and all or if not all, at any rate, all important elements in the national life of India shall be prepared to uphold it and to give it their support. This can happen only if the constitution is framed by Indians for Indians with the voluntary consent of Indians". He further stated, "I am, therefore, firmly of the opinion that if Indians want Dominion Status, they cannot escape the responsibility for framing their own constitution" [13] So he argued that Indians alone should write their constitution. However, he was not opposed to the break-down clause altogether. He seems to accept its necessity, in spite of theoretical objections to such a provision, as a medicine to the body politic when it goes sick and to maintain law and order. The break-down clause, therefore, seemed to him to be "of the highest value for the peace and tranquility of the people It is the one and the only means which can save the country from anarchy For, when constitutional Government fails, the break-down clause has at least the merit of maintaining Government" [14] He was, perhaps, opposed to a break-down clause in an imposed constitution, and not in a free constitution. Incidentally, as the author of the Constitution of free India he provided for similar break-down clause in the course of Articles 352 to 360 of the Constitution of India In this respect he sounds inconsistent, which he could have avoided.

The second fundamental question he posed was. should there be a Constituent Assembly to write the constitution? Of course, the demand of the Congress for a Constituent Assembly was conceded in the Cripps Proposals, and by the Sapru Committee also But Ambedkar was completely opposed to the idea as a 'dangerous project, which may involve this country in a civil war'. Moreover, he considered it as absolutely superfluous. This statement of his was in complete contradiction of his stand that Indians alone should undertake the responsibility for writing a constitution. How could they discharge this responsibility and duty unless they get an opportunity to sit together and deliberate? There was no constitution in force at the time that was written by



prehensions. It was mainly responsible for an attitude of scepticism on his part. But that could hardly be a justification for his opposition to the Constituent Assembly project. Majority of the seats had gone to the Depressed Class candidates of the Congress persuasion. It is gratifying to note, however, that Ambedkar could not prevent the project of the Constituent Assembly. He should have demanded separate representation on it, as he did at the time of the Cabinet Mission Proposals. The main reason for the rout of the Scheduled Castes Federation candidates was the electoral device as agreed to by Dr. Ambedkar himself in the Poona Pact. He was further disillusioned when the Cabinet Mission's Proposals were made, abolishing the safeguards for the scheduled castes. Instead, the Mission proposed an 'Advisory Committee on Minorities' for safeguarding the minority rights, which was worse than useless in view of its proposed composition and its recommendatory capacity. Ambedkar called this Advisory Committee as 'a hoax if not a humbug', and as utterly incapable of counteracting the mischief of the Hindu majority. It must be mentioned here that he was a Member on this Committee when it was formed by the Constituent Assembly later.

The Cabinet Mission and the Untouchables

In a Memorandum[15] submitted by Ambedkar on behalf of the All-India Scheduled Castes Federation, it was once again pointed out that they were opposed to the Constituent Assembly for the following reasons:

(*i*) That the Constituent Assembly was unnecessary and incompetent to deal with purely constitutional questions.

(*ii*) That the Constituent Assembly would not be useful in dealing with communal questions, for no minority would be prepared to accept the decisions of the majority.

(*iii*) That the Constituent Assembly would be open to corrupt practices and it would give a free hand to a strong and wealthy party to buy members of the scheduled castes to vote with them.

(*iv*) That in the Constituent Assembly, the scheduled castes would be completely outnumbered and they could not, therefore, have any effective say in its decisions.

The Memorandum also pointed out that the results of the Gene-

ral Elections of February 1946 had shown that the system of Joint electorates and Reserved seats had worked to the detriment of the Scheduled Castes. So they should be given 'Separate Electorates,' as provided for in the Communal Award of 1932, if they were to have effective representation. It also demanded that the Scheduled Castes were to be given at least half the number of seats given to the Muslims in the Interim Government.

A close study of the Memorandum reveals that Ambedkar and the Scheduled Castes' Federation were opposing the Constituent Assembly project not because of all the reasons they gave. Their main objection was regarding its composition. They wanted the Scheduled Castes not to be returned on the basis of the arrangements agreed upon under the Poona Pact, which had proved dangerous and a mockery of the right given to the Scheduled Castes. This conclusion can be further substantiated on the basis of the demands made by Ambedkar himself in the course of a Statement 'The Cabinet Mission and the Untouchables'.[16] He had realised, that owing to the debacle experienced by the Scheduled Castes in 1946 Elections, some special guarantees were necessary by way of a new arrangement. He demanded from His Majesty's Government the following steps, in order to prevent the mischief of the dominant caste Hindus against the Untouchables in the Constituent Assembly:

1. His Majesty's Government should declare that they regard the Untouchables as a minority. This was necessary in view of the statement by the Congress that they were not a minority (letter from the Congress dated the 25th June, 1946, item 21 in Cmd. 6861), and the same was not denied by the Viceroy in his letter of reply to the Congress.
2. A declaration as to whether His Majesty's Government would institute a machinery, if so, of what sort, to examine whether the safeguards for minorities framed by the Constituent Assembly were adequate and real.
3. His Majesty's Government should also declare if they would insist upon the Constitution framed by the Constituent Assembly containing clauses circumscribing the power of the future Indian legislature to do away with minority safeguards by bare majority.[17]

Ambedkar, obviously, felt that the Cabinet Mission had not given much thought to these matters of vital importance on the question of minority safeguards. Hence, His Majesty's Government was to be pressed for such declarations on the rights of the Untouchables The Cabinet Mission had *recognised the Muslims* and the Sikhs as separate elements, but had lumped the Scheduled Castes together with the Hindus, while His Majesty's Government had all along recognised them as a separate element in the national life of India The declarations of Mr. Amery and others might be recalled in this connection The Cabinet Mission, on its part, justified their action on the basis of the February Elections in which the seats reserved for the Scheduled Castes were captured by the Congress So the Scheduled Castes and their destiny could as well be entrusted to the Congress. Secondly, the Mission thought, the proposed Advisory Committee on the Minorities, with the representatives of the Scheduled Castes on it, will have a voice in framing the Constitution.

Ambedkar was not prepared to accept these contentions and arrangements as valid and adequate. He denied the conclusions of the Cabinet Mission and it was because of such a situation created by the Constituent Assembly project for the Untouchables, that he was calling it unnecessary and unhelpful. If he were satisfied on the question of its composition, he would not have opposed *it, being the agency for writing our constitution* This is quite evident from the demands he made of the Government of His Majesty for the Untouchables

The outcome of the 1946 Elections was a great blow to the Scheduled Castes' Federation candidates With that, the position of Ambedkar had also become weak and shaky He demanded that all safeguards for the Untouchables should be included in the new Constitution. It was rather unfortunate that Ambedkar committed an error of judgment on this issue and thus became completely out of the pale. Ambedkar was almost faced with a crisis in his leadership of the Untouchables, who were never so hopelessly divided as during this period. He himself was in a *high office as the Member of the Viceroy's Executive Council.* But there were a number of forces acting against his interests. He was called a stooge of the British; and the Untouchables were told that he was opposed to the freedom of India, and, as such, was against the freedom movement itself. Such an insinuation

against him paid its dividends inasmuch as a large number of Untouchables found themselves in the Congress camp. The 1946 Elections proved this amply. Ambedkar was naturally shaken rudely and terribly disturbed. He tried to point out, with all the force at his command, that the Scheduled Castes were not coming in the way of the freedom of the country, and they were not trying to have a veto over her political advancement. He was only demanding adequate representation in the Central and the Provincial Legislatures, Executives, Public Services etc., for the Untouchables. He wanted the Cabinet Mission to include the safeguards in the new Constitution. When the Cabinet Mission published its proposals to set up an Union of India with three different categories of Provinces; the formation of the Constituent Assembly, and an Interim Government, without any reference to the demands of the Scheduled Castes, he was completely disappointed and frustrated. This was the signal for his attack on all those responsible for the situation.

At this juncture there were acts of brutality committed upon the Scheduled Caste people, particularly in Bombay and adjoining areas. The Working Committee of the Scheduled Castes' Federation met in Bombay in the first week of June 1946, and condemned the brutalities against the Scheduled Castes and 'denounced the British proposals of 17th May, 1946, as mischievous and threatened to resort to direct action if the wrong done to the Scheduled Castes was not rectified'. With the decision of the British Government to set up an Interim Government on the lines of the Cabinet Mission's Proposals, Ambedkar had to lose his position as Labour Member of the Viceroy's Executive Council. He was the first Untouchable to occupy a position of such eminence in India. He had accepted that high office with the chief objective of striving for the emancipation of the dumb and downtrodden millions from a position of power and strength. It was perfectly within the scope of the advice he was giving his people that they should get political power to set right the wrongs done to them. An Untouchable Hindu, as he was, came to occupy the highest position in the governance of the country when he was appointed as Labour Member in the expanded Executive Council in June 1942. Ambedkar did not, however, look upon this opportunity as the crowning success in his career, though it was one. He was painfully aware of the lot of his people and he looked

upon it only as an useful opportunity to fight for their cause. He had declared at the time of his accepting the office "that he would never surrender in the battle he would have to wage for protecting and advancing the interests of the working classes in India (of which the most numerous were the Untouchables); but added that he would not at the same time threaten his colleagues in the Cabinet with his resignation at every point of minor difference".[18] He was determined to continue his work as the leader of the Untouchables, and he very well utilised the opportunity, wherever he went, for exhorting the Untouchables to rise in revolt against their indignities. During his official tours, the language he used invoked a lot of opposition from the caste Hindus, particularly in the Madras Presidency. While in office, he helped the formation of a new political party—the All-India Scheduled Castes Federation and kept on guiding its activities at all stages. This, however, did not imply that he was not an efficient Labour Member. He 'had proved himself an efficient and purposeful Labour Member'.

A Period of Crisis and Political Paralysis

India was under a period of political transition with the Cabinet Mission's declaration to form an Interim Government forthwith. It was also a period of great trial for not only Ambedkar, but also for the Untouchables as a whole, as they were suddenly lumped with the caste-Hindus without any special safeguards. How could they expect a better deal and justice either in the Interim Government or in the several branches of the Government? As Mr. Keer looked at it: "He (Ambedkar) knew this was the last opportunity to assert the rights and the will of his people; for he feared that a free India might revert to the old traditions, and his people would be impoverished, neglected and ostracized".[19] Ambedkar could not allow the situation to deteriorate. He had to rise to the occasion and prove his mettle as a leader in the real sense. He had to organise and agitate. There was no escape from it. He gave the 'clarion call' to his people to wage a war in the 'cause of justice and humanity and to expose the machinations and conspiracy hatched against the rights of his people'. So they plunged into this battle of justice and humanity by launching Satyagraha. He declared that this non-violent and peaceful movement for securing political rights

for the Untouchables would become a country-wide movement, if need be. In effect the struggle was one aimed mainly at the Congress party, as it had arrogated to itself the claim for representing the entire body of Untouchables. Ambedkar, as always, opposed this in strong terms. This was nothing but an unmistakable exhibition of a division among the Untouchables into Congressites and non-Congressites. His leadership had, during the 1940s, come to be confined to the non-Congressite Untouchables, whose number was waning in favour of Mahatma Gandhi's leadership and the Congress. It should, however, be stated here, with all deference to Ambedkar's intellectual acumen and courage of conviction, that he did not have all the qualities of a mass leader. He was essentially an intellectual and a social revolutionary. He had no politics other than that of social upliftment of his people. In comparison with Gandhiji, Ambedkar lacked the halo and the visible identity of purpose, though no one could question his sincerity. Mahatma Gandhi, besides other things, was a man of the masses with a special attraction for the simple, innocent masses. He appealed to the masses in such a manner as to attract them to his leadership. This was particularly successful in view of his religio-political approach. In contrast, Ambedkar was making a completely secular approach and his thinking was too radical for his times in the social sphere. There was a great chasm between him and his people in all respects. Naturally, it was an uphill task for him to rally all his people under a single banner and one undisputed leadership. Ambedkar had to work under this handicap that was quite formidable. Over and above these difficulties, his acceptance of office under the British, however genuine might have been his intentions, helped to alienate him from the masses. The Gandhian appeal and approach was too attractive to be missed by the simple, unsophisticated, ignorant mass of Harijans—a Gandhian appellation which also had its own impact against Ambedkar.

A Desperate Appeal to Britain

When the Interim Government was announced on August 24, 1946 in which only one Untouchable member of the Congress persuasion Mr. Jagjivan Ram was included, Ambedkar was rudely shaken and terribly disappointed. His immediate

reaction was to demand one more seat for the Scheduled Castes in the Cabinet. Appeals also went to Mr. Jagjivan Ram not to join the Cabinet in view of the inadequate representation for the Untouchables. As a protest against this, the Scheduled Castes Federation continued its Satyagraha at Nagpur and other places. Ambedkar came to realise that he should make a final attempt in Britain and elsewhere for more satisfactory results. He also threatened that he might be forced to seek outside help, in order to achieve the objectives before him, on behalf of his people. In one of his statements dated 18th March, 1946, on the declaration by the British Prime Minister that the Government "cannot allow a minority to place their veto on the advance of a majority", he had observed: "the majority also shall not be allowed to dictate to the minority what political safeguards they should have".

He had also declared in the same statement: "I am bound to tell ..the scheduled castes are not quite so helpless as the British and the Hindus might think them to be. If the British and Indian nationals will not help the scheduled castes, the scheduled castes are not without friends in the nations of the world. They know whom to look for help and they know a call for help will not be a call in vain. That such a step may prove fatal to the British as well as to the Hindus, goes without saying..."[20] He concluded the statement by saying that if the British Government failed to remove the fears in the minds of the scheduled castes that they will not have any power and freedom to mould their destiny in the new Constitution, they will be forced "to take recourse to outside help to save themselves from the impending calamity of a naked Hindu Raj".[21]

It is very difficult to get into the mind of Ambedkar to analyse this statement of his and to know what exactly he meant by this threat of invoking outside help. Besides being naive, the statement contemplated a serious and dangerous step. Of course, he had neither the time nor an opportunity to invoke the threatened outside help in view of the fast pace of developments that were taking place in the political and constitutional progress of the country at the time. He was, as many others, simply hustled through by the events. Even then he did make an attempt to contact the British leaders.

He sent out telegraphic messages to Lord Pethick-Lawrence, Sir Winston Churchill, Prime Minister Attlee and others protesting against the British attitude towards the Scheduled Castes. He called it 'a shameful betrayal of the cause of 60 millions of Untouchables, that they should go without representation anywhere, including the Constituent Assembly. He sought the intervention of Mr. Churchill saying that the "... Future of Untouchables very dark stop (.) Entirely depend upon you for safeguarding their interest".[22]

Mr. Churchill's reply by cable to this appeal is interesting. He responded to Ambedkar thus: "You may be sure that the Conservative Party will do its utmost to protect the future of the sixty million Untouchables whose melancholy depression by their co-religionists constitutes one of the gravest features in the problem of the Indian sub-continent stop (.) We shall take our stand on the broad principle set forth in the American Declaration of Independence that all men are born free and equal and entitle to Life, Liberty and the pursuit of Happiness".[23] A very strange assurance, indeed, from a diehard Tory that was Mr. Churchill!! The appeal and the response as well was capable of several interpretations, specially if one were to read between the lines. It could be interpreted to lead to serious repercussions on the political developments and the relations among the concerned parties. Naturally, it was disliked and criticised by an already hostile Indian public.

In another lengthy telegram to Prime Minister Attlee on 17th June, 1946, Ambedkar drew the attention of Mr. Attlee to the developments and decisions at the Simla Conference. He had demanded three seats for the Scheduled Castes in the Interim Government, but was persuaded to agree for two seats only. Actually only one seat was given when the list was announced, which was a *volte face*. Moreover, the only one Scheduled Caste nominee was not the nominee of the Scheduled Castes Federation, but was of the Congress. Ambedkar reiterated that Untouchables should be represented by the nominees of the Scheduled Castes Federation alone and not of the Congress. Mr. Jagjivan Ram's appointment was a representation given to the Congress and not to the Scheduled Castes Federation, which alone represented the Untouchables He, therefore, urged that two of the Scheduled Castes Federation's

nominees should be appointed and sought the intervention of the Prime Minister to secure the same. The contents of this demand and its timing lead, naturally, to a misunderstanding of this move on his part. Motives could be imputed, and indeed were imputed. He was aware of this when he said in his telegram: "To avoid misunderstanding of my motive...eye (I) like to state that eye (I) have no desire to be in Interim Government and will stand out stop(.) Am fighting for rights of scheduled castes stop(.) hope there is some sense of justice left in British Government".[24]

By such a desperate appeal to the British leaders at a time when feelings were mounting in the country against the continued presence of the British, he was misunderstood and misrepresented as one hoping to see the Conservatives back in power in England for protecting the interests of the Scheduled Castes' Ambedkar even left for England to follow up, in person, his telegraphic appeals to the British leaders. He could not achieve any success in his mission and was advised by Mr. Attlee to seek solace in the Constituent Assembly and try his luck there. He had to return a disappointed man.

In such a depressing situation, Ambedkar "was facing a political paralysis, and it was a very severe blow to the life-long efforts which he had made towards the cause of the Untouchables. His only point was that the Scheduled Castes should be given due representation in the Executives and Legislatures. He was working desperately to achieve that end. ."[25]

The foregoing analysis provides the key for a clear understanding of the nature and seriousness of the problem he was facing, and also to the way in which his mind was working As can be seen, Ambedkar maintained, as always, that the Congress could not claim to represent the Untouchables. It was the Scheduled Castes Federation that should be recognised as the party of the Untouchables for all intents, and, as such, its nominees alone could represent their interests. The Conservative Government appeared to have accepted the contention, as could be seen from the provisions for safeguarding the interests of the Untouchables all along. But with the coming into power of the Labour Party in Britain, the position seemed to have undergone a thorough change. It was one of anxiety and hurry to transfer power to the Indians, and thereby putting

an end to the political stalemate in the subcontinent at the earliest date possible. The Cabinet Mission's work hastened the process. To any one reading the Mission's Report, it would be obvious that they were anxious to minimise the difficulties in the way the Mission chose to lump the Untouchables along with the Hindus for purposes of representation etc. Secondly, the results of the February Elections also indicated that the Congress had the mandate of the Untouchables inasmuch as a greater number of seats for them were captured by the Congress, and not by the Scheduled Castes Federation. So the Cabinet Mission did not find it necessary at all to continue to treat the scheduled castes as a separate element in the political life of India. In other words, the Cabinet Mission was anxious to minimise the hurdles in the way of transferring power. Ambedkar could not reconcile to this change in the political climate of the country consequent on the change in the ruling party, and found himself in a very awkward position. He was not a man to reconcile himself to situations and policies which were opposed to his own approach and intents. He was not shrewd enough in this regard. In retrospect, it is possible to hold that it would have been a wiser step on his part to reconcile himself to the new situation and to wait for an opportunity in the Constituent Assembly, where he could expect an opportunity to help his people, in view of his recognised abilities in the field of constitutional law. In fact, he became the chief draftsman of the constitution of free India. It was a wrong strategy on his part to have taken recourse to desperate steps to achieve the most legitimate and justifiable goal of his. He should not have allowed himself to be denigrated as a beneficiary of the Tories, and secondly, his threat to seek the help of an outside power, perhaps Japan besides Britain, was again a highly imprudent and impolitic approach. In fact by such an approach and lashing out, the tables were turned on him; and the wind was taken away from his sails when the Muslim League, which had refused to join the Interim Government, decided to join. One of the nominees of the League was an Untouchable, Mr. Jogendranath Mandal, who was appointed as Law Minister in the Interim Cabinet. It is very interesting to know that Mr. Mandal was a Member of the Working Committee of the Scheduled Castes Federation and he was brought

in as the nominee of the League! Moreover, he was given the Law portfolio which, perhaps, would have been held by Ambedkar with ability, if he were to be included in the Interim Cabinet. With Mr. Mandal's addition there were two Untouchables in the Interim Government. Thus the uncalled for heat that was generated subsided abruptly, which only shows that Ambedkar need not have become so desperate and taken recourse to such undesirable steps. He rather overdid his role as the leader of the Untouchables during this crucial period in Indian politics

It must also be mentioned that Ambedkar was considering the possibility of taking the question of the Untouchables to the newly born United Nations Organisation This is revealed in a letter he wrote to one Professor Dubois at the University of Atlanta, Georgia, U.S.A. In the letter dated nil, but despatched to Prof. Dubois on July 2, 1946, Ambedkar requested him to send some papers which would be helpful in taking the question of the Untouchables to the U. N. O.[26]

He, however, did not pursue the matter. In the meantime, the British Government announced that it would hand over power by June 1948 either to a Central Government or to the existing Provincial Governments in India, in the absence of an agreement among the Indians Lord Louis Mountbatten was sent as the Viceroy of India in place of Lord Wavell and the trend was towards an immediate implementation of the aforesaid proposal of the British Government to transfer power within the deadline.

The Dawn of Freedom

The situation in the country was very tense when Lord Mountbatten arrived in India. His chief task was to implement the policy of His Majesty's Government as contained in Prime Minister Attlee's statement of 20th February 1947, to the British Parliament. The Statement had declared in categorical terms that the intention of the British Government was to transfer power to Indian hands not later than June 1948. Lord Mountbatten had the onerous task of bringing about the transfer in a manner that would ensure the happiness and prosperity of the people in the subcontinent. The British Government's plan to transfer power, possibly to the then existing Provincial

governments or to some form of a combined government for parts of India, invoked resentment from the Congress circles particularly, as it meant anarchy and an open invitation to separatist forces. As Mr. V. P. Menon looked at the proposal: "...It had dangerous implications. It was a direct invitation to Jinnah's intransigence to stand out and form a separate state with the Muslim-majority provinces, and it was an encouragement to the big Indian States, like Hyderabad, to stand out for independence. In the circumstances of that time, with people in a state of great commotion, many of them being armed, it was an invitation to sheer anarchy."[27] But with the clever and timely intervention, behind the scene, by Mr. V. P. Menon who was then the Constitutional Adviser to the Viceroy, this calamity was averted and a new plan, drafted by Mr. Menon himself, was taken up for consideration. The plan, which is famous as the 'Mountbatten or the June 3, Plan', was accepted by the Indian National Congress, the Muslim League and other parties as the best possible solution in the circumstances. 'The Great Acceptance', as Alan Campbell Johnson called it, was possible because of the most tactful handling and persuasive and friendly influence of Lord Louis Mountbatten. He is, therefore, entitled to his own rightful place in the constitutional history of India.

The Plan provided for the partition of the country and it also advanced the date for the transfer of power, for the communal tension was mounting higher and higher. To quote Mr. Menon again: "...Mountbatten was more strongly convinced than ever that if the transfer of power were not implemented quickly the situation would get out of control. The Services began to take sides, especially in the Punjab, and the army, the last instrument in the hands of the Government to hold the situation, would also be contaminated before long by the communal virus. The Viceroy, in spite of the great practical difficulties in the way, decided to advance the date of the handing over of power."[28] Lord Mountbatten made it clear, in a Press Conference he addressed on 4th June 1947, that the date for transfer would not be June 1948, but it 'could be about the 15th August' 1947. The June 3 Plan was well-received throughout the world as a bold and statesmanly solution to resolve the Indian deadlock and the Labour Government was praised for its sagacity and nobility in deciding to

transfer power to India. It may be worthwhile to quote here Mr. Walter Lippman, the well-known American political commentator, who wrote in *The Washington Post*:

> Perhaps Britain's finest hour is not in the past. Certainly this performance is not the work of a decadent people. This on the contrary is the work of political genius requiring the ripest wisdom and the freshest vigour, and it is done with an elegance and a style that will compel and *will receive an instinctive respect throughout the civilised* world. Attlee and Mountbatten have done a service to all mankind by showing what statesmen can do, not with force and money but with lucidity, resolution and sincerity.[29]

The implementation of the Plan was a stupendous task which would have taken years, but had to be implemented in the course of a few weeks' Despite the stupendous nature of the job, it had to be accomplished, and power was transferred strictly according to schedule. In London, the Indian Independence Bill was presented before the Parliament on July 4, 1947 and was enacted on July 18, 1947—a record time for any legislative measure The objective of the Indian Independence Act, 1947 was to give effect to the Mountbatten Plan and legalise the promises that were already made. The Act provided for partitioning India and establishing two Dominions of India and Pakistan. The new Dominions were to be governed under the provisions of the Act of 1935 till a Constitution of their own was framed and adopted. It abolished the post of the Secretary of State for India and dropped the title of 'Emperor of India' from the titles of the English monarchs. The Act of 1947 was a great landmark in the Anglo-Indian relations. It marked the end of the British rule in India. It was after all the last, but nevertheless the noblest and the greatest law ever enacted by the British Parliament. With the dawn of independence, Indians were released from the bondage of nearly two centuries under the British and became a free people of a free nation

Ambedkar, fortunately, was resiling from his position of opposition to the Constituent Assembly project. He was quick to grasp the new trend and came out in a spirit of co-operation to realise his objectives in the Constituent Assembly. As he was

a pronounced and uncompromising critic of the Congress Party, it did not sponsor his candidature to the Constituent Assembly, nor could he expect it. However, he got himself elected from the Bengal Assembly, as he had no supporters in the Bombay Assembly. Now the stage was set for his launching into the field of constitution-making. He restated his thoughts on the nature of safeguards that were essential for the Untouchables in the wake of his experiences with the Cabinet Mission proposals. He made out a case for separate electorates in a modified form to have it only in those constituencies in which seats were reserved for them and in others they were to vote jointly. He prepared a Memorandum in March 1947, laying down his views, which was published under the title *States and Minorities*. This gave a good start for him in the Constituent Assembly. As Dr. M. V. Pylee puts it: "... subsequent developments culminating in the partition of the country made him realize that political realities demanded a moderate attitude on his part towards those who had in their hands effective political power. The Congress leaders responded to this gesture so generously that they elected him the Chairman of the Drafting Committee. They could not have made a decision which was or could be more right. For, Ambedkar not only fully justified his selection but added lustre to the work he undertook."[30] Thus ended a period of great turmoil and tension in his public life as well as in the life of the country; and a new period of constructive and fruitful activity opened up with the dawn of Indian Independence on August 15, 1947.

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[22] *Ibid*
[23] *Ibid.*
[24] *Ibid*
[25] Dhananjay Keer, *op. cit*, p 383.
[26] From the files containing his correspondence with the Cabinet Mission and with other leaders, at the Siddhartha College Library, Bombay.
[27] V. P Menon, *An Outline of Indian Constitutional History*, 1965, p. 68
[28] *Ibid.*, pp. 71-72
[29] Quoted in V P Menon, *The Transfer of Power In India*, 1957, p 383.
[30] *Constitutional Government In India*, 1965, p 140

CHAPTER

8

Freedom, Democracy and Justice

THE ENACTMENT of the Indian Independence Act, 1947 by the British Parliament marked the end of the British rule and the birth of a free democratic India. It transferred power to Indian hands, which cast a great responsibility on her leaders in so far as they had a special duty to fulfil the objectives placed before the people during the freedom struggle. The transition from the British rule to self-rule was not simple and easy at all. The leaders set to themselves the task of giving a more liberal and egalitarian shape to the government and society that was to be ushered in. The Constituent Assembly of India, after a hard labour of nearly three years, accepted the present Constitution of India, that came into force on January 26, 1950.

The Constituent Assembly which gave the Constitution in the name of the people of India, deserves a prominent place in the constitutional history of India. By giving a constitution to India, the first-ever made by her own sons, the Constituent Assembly made history.

It should be obvious to anyone who goes through the voluminous Proceedings of the Constituent Assembly that by adopting the most democratic method, it gave a democratic constitution to the largest democracy of the world today.

The new nations of Asia and Africa today are known, and have become prominent, not by their positive achievements and political stability, but by their failures and instability. They are discussed more often for their political instability and crisis in the field of government and leadership. Leaders with a charismatic personality like Sukarno, Nkrumah, Patrice Lumumba, Moitse Tshombe, Nasser and a host of others have played their own role in the political life of their respective countries. What is more, in a comparatively short time, revolutions—followed invariably by counter-revolutions—have been witnessed in most countries of Asia and Africa in the post-Second World War period The period was a welcome phase in the nationalist movements of most of these countries inasmuch as it brought a rich harvest for nationalism and sounded the death-knell of colonialism and imperialism in the East and in Africa. It also, consequently, heralded constitutionalism in most of these countries. The British Empire was liquidated. The other colonial powers like France, Spain, and Portugal were forced to take note of the changing spirit of the new Age. But, to the dismay of many an optimist observer, the Asian and African States came to be looked upon as political mad-houses and happy hunting-grounds for ambitious leaders to establish their own personal hegemonies. In this race for power the poor citizen, who was expecting redemption, was completely disillusioned and frustrated What was once true of Latin American countries came to be true of Asian and African countries.

India, the earliest of the Asian countries to attain freedom, is perhaps the only honourable exception to this situation of political confusion and despondency. India has enjoyed political stability since Independence. Under the charismatic leadership of the late Jawaharlal Nehru, the country enjoyed an unprecedented degree of political stability and continuity of leadership in the government. The smooth change-over in the leadership after Nehru, installing the late Lal Bahadur Shastri and a short while later Mrs. Indira Gandhi as the Prime Minister without any disruption in the political life of the country, is proof

enough for the political maturity of the people of the country. Jawaharlal Nehru had the unique privilege of being the Prime Minister of the country continuously for a record-period of eighteen years. Such a lengthy period of office for a single individual has, perhaps, no parallel in any other democracy, much less in Asia and Africa. India has enjoyed, and has been enjoying, democracy with parliamentary institutions duly elected four times after independence. She is one of the biggest democracies—able to withstand all possible onslaughts, including military aggressions on her territory. An independent Judiciary is functioning successfully as the guardian of the constitution and the rights of the citizens. We have been able to adopt the peaceful path of economic progress through democratic planning. The three Five-Year Plans have already been worked; and the Fourth one is being launched. These Plans are the real hopes for Indians today for an all-round economic development and higher standards of living which should follow the political emancipation of a people. Commenting on this phenomenal achievement of India, Morris-Jones has this to say:

> The main point to be emphasised is that it is in itself a signal achievement of the Indian polity that it has, over a relatively short period, acquired definable shape and form —stability not in the sense of a stationary state but in the sense of regulated movement...This is scarcely true of all new states...India has been given coherence and shape by the character of the three elements in terms of which our account has been given: a machinery of government, a one-dominant-party system and a parliamentary constitutionalism...[1]

Such a process has been facilitated by the political institutions that are built into the constitutional frame of the country which "were in minor measure chosen with deliberation, in major part accepted and acquiesced in".[2] These institutions, as Morris-Jones thinks, have made possible, 'whatever development that has been made all these years in the country by controlling and regulating it. The institutions are so firmly established that they have greater chances of survival here than anywhere in Asia or Africa. This is not to suggest that they lack flexibility and dynamism. They accommodate and adjust themselves to the necessary changes. The constitution, being

an organism, should be able to grow and flourish. To quote Morris-Jones again:

> The firmly established nature of the institutions of political life tends to disguise the pace of change, but change is nonetheless taking place. Moreover, the institutions are of a kind which tend to ensure that change is at once about as fast as society can bear and at the same time about as sure (i.e. non-reversible) as man can make it.[3]

The form and spirit of the Constitution of India, framed and adopted by the Constituent Assembly soon after independence, naturally constitutes the chief source of not only our political institutions, but also their utility and efficacy in prescribing the values we cherish. The Members of the Constituent Assembly in general, and of the Drafting Committee in particular, put their heart and soul into this task for nearly three years and thrashed out a Constitution for free India. The adoption of the Constitution and its promulgation on 26 January 1950 ushering in the 'Sovereign Democratic Republic of India' was the culmination of the freedom struggle.

Dr. Ambedkar in the Constituent Assembly

In this stupendous task, in the wake of freedom, Ambedkar played an unique role in his capacity as Chairman of the Drafting Committee and as Minister for Law at the time. He *laboured, day in and day out, for writing the first Constitution* of free India, incorporating into it liberty, equality and justice Here was a life-time's opportunity for a man, who had zealously devoted the best part of his life to the cause of the downtrodden and the underdog; who had faced the toughest opposition from the vested interests and the influential classes in the society; and who had become almost desperate and disillusioned on the eve of independence. As has been discussed in the foregoing chapters, he was one of those who had vehemently opposed and criticised the project of the Constituent Assembly itself as utterly superfluous. But he had the astuteness to enter it, when he could not prevent it, and try to make the best use of it. When he entered the Constituent Assembly, he entered it as a 'Protestant'. He had never thought that he was destined to be the 'chief architect' of the Indian

Constitution. How could he ever imagine that an untouchable *Mahar* would be enlisted and marked out for this privilege and honour? When it did come Ambedkar himself was more than surprised. It was all the more great when he was elected Chairman of the Drafting Committee! He had entered the Assembly with the only hope of safeguarding the rights of the Scheduled Castes. With his election as the Chairman of the Drafting Committee, he was entrusted with the onerous task of safeguarding the rights of every Indian, including the Scheduled Castes, and providing a form of government and society based on the principles of Justice—social, political and economic. He was overwhelmed by the gesture and acknowledged his election gratefully. Commenting on his appointment as Member of the Drafting Committee and its Chairman, Dhananjay Keer writes:

> ...An Untouchable who was kicked out from carts and segregated in schools in his boyhood, who was insulted as a professor, and ousted from hotels, hostels, saloons and temples in his youth as a despicable Mahar, and who was cursed as a British stooge, despised as a heartless politician and devil, hated as a reviler of the Mahatma and decried as an Executive Councillor, became now the first Law Minister of a free nation and the chief architect of the Constitution to define the will, aim and vision of India! It was a great achievement and a wonder in the history of India. India chose, in amends for her age-long sin of untouchability, her Law-giver, new Manu, and new *Smritikar* from among a caste which had been dehumanized, demoralized and devitalized for ages. New India entrusted the work of framing her new laws to a man who had a few years before burnt the *Manusmriti*, the Code of the Hindus! Was it the goddess of Nemesis that played the trick? Or was it a whirligig of time?[4]

No doubt, Ambedkar became the modern Manu in giving a new legal and constitutional order to a free people of a free and democratic country. He got a lifetime's opportunity to exhibit his talents, his legal acumen, and his expert knowledge as a constitutionalist. He also looked upon it as an opportunity to place at the disposal of the Nation his intellectual resources, abilities and equipment, once he entered the Constituent Assembly. He continued to participate in the proceed-

ings with zeal and vigour and left on it an indelible imprint of an expert in the field. This must be obvious to any objective reader of the Proceedings of the Constituent Assembly of India. It must be mentioned, to the credit of Ambedkar, that the President and the Members of the Constituent Assembly looked to him whenever there was a procedural wrangle, or a difficult constitutional point to be resolved. The immense interest he took in making the Rules of Procedure of the Constituent Assembly helped them to be framed on sound lines. In the early phases of the Assembly's work he was asked to serve on a small sub-Committee on the much-debated question of additional representation to West Bengal and East Punjab, consequent on Partition. He had to seek re-election himself from Bombay as he lost his seat in the Assembly from Bengal on its partition Ambedkar had, besides the legal and constitutional acumen, the extraordinary capacity to put forth his arguments in a lucid, logical—often cold logic of course—and convincing manner, which would be acceptable to the different sections of the House. This was a great advantage and an asset, indeed to him, which helped not only in the drafting of the constitution, but its smooth passage and adoption by the Constituent Assembly. There were a number of criticisms and amendments to the Draft Constitution. He accepted a few of them, and rejected a good deal. Nevertheless, the Assembly and its President had reposed absolute confidence in his abilities and accepted his points without cavil. This, in itself, was a great achievement for Ambedkar and a great tribute to his intellectual and parliamentary abilities He was encyclopaedic in the range of his legal and constitutional knowledge. As Dr. Pylee observes:

> Ambedkar brought to bear upon his task a vast array of qualities, erudition, scholarship, imagination, logic, eloquence and experience. He had a rare mastery over even the most complicated problems and situations and an ability to put across his ideas in the most lucid and forceful manner...[5]

Ambedkar made his presence in the Assembly felt in his maiden speech itself. He was unexpectedly called upon by the President to speak on the "Resolution *re* Aims and Objects" moved by Pandit Jawaharlal Nehru. The House was discussing

the Amendment to the Resolution, moved by Dr. M. R. Jayakar, asking the House to postpone consideration of the Resolution in view of the absence of the Members of the Muslim League from the Constituent Assembly. Jayakar's amendment was dubbed as 'obstructionist', in the flush of independence and enthusiasm about the Aims and Objectives of the Constitution for free India. The mood of the House was to proceed with the task at top-speed without waiting for anyone, much less for the Muslim League Members. This was described very well by the Hindu Mahasabha leader Dr. Shyam Prasad Mukherjee, who called it pointless to defer a decision as he feared that it would only encourage the League to stay out and block the progress of the work of the Constituent Assembly.

Dr. Jayakar's amendment did not have any sinister motive, as suspected by some. He was moving it purely on technical and legal considerations and on moral grounds as well. As Hon'ble Shri C. Rajagopalachariar himself pointed out in the Assembly: "It is not only a matter of culture or good-breeding, but it is statesmanship to think of those who are absent, to think of other people than ourselves, when we deal with any matter".[6]

Ambedkar naturally supported Jayakar's point of view. He was also for postponing consideration of the Aims and Objectives Resolution till the League Members joined them in the proceedings. In his maiden speech Ambedkar was not just formally supporting the Amendment. He utilised the opportunity to draw the attention of the Honourable Members to some of the more serious and deeper issues to be faced by them. It is, therefore, necessary to quote from his lengthy speech, which is vital to a better appreciation of his views on the task of constitution-making. He divided the Aims and Objectives Resolution into two parts—the 'Controversial' and the 'non-Controversial' parts. "The Resolution, coming as it did from a socialist like Jawaharlal Nehru", he said:

> ...is to my mind very disappointing. As a student of history, I should have preferred this part of the Resolution not being embodied in at all...I say they have become not only the part and parcel of the mental make-up of modern man in every civilised part of the world, but also

in our own country which is so orthodox... To repeat it now as the Resolution does is, to say the least, pure pedantry.[7]

He also said that the Resolution suffered from some lacunae. While the Resolution enunciated some fundamental rights there were no remedies. Moreover, the rights were made subject to law and morality. Further, he observed that the Executive of the day would have to decide as to what is legal and what is moral Referring to the enunciation of the economic objectives in the Resolution, he observed:

> If this Resolution has a reality behind it and a sincerity ... I should have expected some provision whereby it would have been possible for the State to make economic, social and political justice a reality . . . that in order that there may be social and economic justice in this country, that there would be nationalisation of industry and nationalisation of land. I do not understand how it could be possible for any future Government which believes in doing justice socially, economically and politically, unless its economy is a socialistic economy. Therefore, personally, although I have no objection to the enunciation of these propositions, the Resolution is, to my mind, somewhat disappointing.[8]

Speaking on the first four paragraphs of the Resolution, he referred to the absence of the Muslim League Members. Pointing to the divisions among the people of this country, he said.

> We are a group of warring camps and I may go even to the extent of confessing that I am probably one of the leaders of such a camp. But, Sir, with all this I am quite convinced that given time and circumstances nothing in the world will prevent this country from becoming one. (Applause.) With all our castes and creeds, I have not the slightest hesitation that we shall in some form be a united people. (Cheers.) I have no hesitation in saying that notwithstanding the agitation of the Muslim League for the partition of India some day enough light would dawn upon the Muslims themselves and they too will begin to think that a United India is better even for them. (Loud cheers and applause.)[9]

Then he posed the question as to how to make these hetero-

geneous groups to come to understanding and to taking common decisions. His appeal was: "...we should leave aside all legal considerations and make some attempt, whereby those who are not prepared to come, will come. Let us make it possible for them to come, that is my appeal".[10] Ambedkar thought that the Resolution was almost preventing the Muslim League from coming into the Assembly. Paragraph 3 of the Resolution, amounted to being a directive to the Constituent Assembly to frame the constitution in terms of that para. The idea of grouping of the Provinces was absent in this. Of course, he said, "so far as I am personally concerned, I do not like the idea of grouping (hear, hear), I like a strong Centre (hear, hear), much stronger than the Centre we had created under the Government of India Act of 1935".[11] The Congress had accepted the principle of there being an intermediate polity, a sub-federation between the Union Government and the Provinces. In the absence of any reference to that in the Resolution (Paragraph 3), Ambedkar stated that the "Muslim League is bound to take advantage of and justify its continued abstension".[12]

Then he took up the question that was posed by Dr. Shyam Prasad Mukherji, whether the Resolution was inconsistent with the Cabinet Mission's proposals? The Assembly may be having the right to pass the Resolution. But was it prudent? he asked. He noted further:

> ... I want this House to consider this matter from the point of view, not of what authority is vested in the Constituent Assembly. I want this House to consider the matter from another point of view, namely, whether it would be wise, whether it would be statesmanlike, whether it would be prudent to do so at this stage. The answer that I give is that it would not be wise. I suggest that another attempt may be made to bring about a solution of the dispute between the Congress and the Muslim League.[13]

Referring to the alternatives, he declared:

> "Either there shall have to be surrender by the one party to the wishes of the other—that is one way. The other way would be what I call a negotiated peace and the third

way would be open war", which he ruled out as dangerous. He drew the attention of the House to a passage from Burke's great speech on Conciliation with America. "If there is anybody" said Ambedkar, "who has in mind the project of solving the Hindu-Muslim problem by force . . this country would be involved in perpetually conquering them. The conquest would not be once and for ever". He concluded. "Let us prove by our conduct that if this Assembly has arrogated to itself sovereign powers, it is prepared to exercise them with wisdom. That is the only way by which we can carry with us all sections of the country There is no other way that can lead us to unity. Let us not have any doubt on that point.[14]

Ambedkar was, of course, voicing the minority opinion in the House, when he spoke on Dr. Jayakar's Amendment. Even this forthright and cogent argument of his was construed by some as 'obstructionist'. Those *Harijan* Members who spoke supporting the Resolution, chose to appeal to Ambedkar to extend his co-operation in the work of constitution-making! Shrimathi Dakshayani Velayudhan, an *Harijan* Member from Madras, for example, made such an appeal. She said: "Let me make a personal appeal to Dr Ambedkar to join the nationalist forces of this country. He is the only leader of the *Harijan* community and his non-cooperation with the nationalist forces is a great tragedy to the *Harijans;* his co-operation with the nationalist forces will enhance the emancipation of the *Harijans* Here is a unique occasion for you, Sir (to Dr. Ambedkar), to place your services before the country".[15] Another *Harijan* Member from Bengal, Mr. P. R. Thakur referred to Ambedkar's warning regarding the possible dangers from various 'warring communities' in the country. Mr. Thakur said· ".. Lastly, I cannot but express my joy that very soon India will be free. The time has come for it. There is no power on earth which could stop it. Some of my friends, especially Dr. Ambedkar, said that there would be civil war in the country before India gets freedom. The Depressed Classes will be very glad to meet it. As a matter of fact they were ready to face it".[16]

Such references and appeals as these were made to Ambedkar, obviously, in view of his support to the claim for Pakistan and making a case for it; and his earlier opposition to the

Constituent Assembly project itself. There was, however, no reason to doubt the nationalist in him. He had made a passionate appeal for forging national unity in his maiden speech. As an expert constitutionalist, he alone could think of the pre-requisites of constitutionalism. One such pre-requisite is national unity and cohesion. "Constitutionalism", as Carl J. Friedrich explains, "wherever it appears, is a refinement of ordinary government. In any society, there is practically always some sort of government, no matter how inadequate, but only a firmly established government is capable of being constitutionalized. In the evolution of our Western World this meant that national unification had to precede constitutionalism"[17] In India nationalism was crystallized, but it was still a divided nationalism so long as partition was not implemented. Ambedkar was only pointing to this factor, and wanted to wait till the issue was finally decided. A constitution could not, obviously, be finalised under uncertain conditions and circumstances. Hence his plea for postponing consideration of the Aims and Objectives Resolution.

Most of the Members, who participated in the debate on the Resolution, supported it and opposed the Amendment moved by Dr. Jayakar for postponing its consideration till the Members of the Muslim League came to the Assembly. It is interesting to note that after some speeches, the Chairman actually postponed consideration of the Resolution, as there were a number of Members, who wanted to speak on it. But the Assembly was to be adjourned for Christmas. The Chairman expressed the hope that it will also facilitate the coming in of the League Members.

The purpose of Jayakar's Amendment was thus virtually served, though in a different manner and for different reasons. Hence, the Amendment was withdrawn by him. The achievement was shared by Dr. Ambedkar also, in a larger measure. It must be noted here that Ambedkar's maiden speech, making a fervent appeal for national unity, had its own impact on the minds of the Members. He was frequently cheered by all sections of the House, including the Congress Members. As Mr. Keer observes: "... Dr. Jayakar's speech containing the same appeal aroused resentment while Ambedkar's fine oration evoked a sense of co-operation in their minds, and the hands that were itching to smash him rang with approbation! It was

ous absence of Mahatma Gandhi, took a leading part in the making of the constitution. The Princely States, perhaps, provided some of the best lawyers, professors, constitutionalists and administrators like, among others, Sir A. Ramaswami Mudaliar, Sir C. P. Ramaswami Iyer, Sir V. T. Krishnamachari and Sir B. L. Mitter. From the Provinces came Sir Alladi Krishnaswami Ayyar, Shri. T. T. Krishnamachari, Shri. K. M. Munshi, Sir N. Gopalaswami Ayyangar, Dr. Shyamaprasad Mukherji, Prof. K. T. Shah, Shri. H. V. Kamath, Dr. S Radhakrishnan, and others. Dr. B. R. Ambedkar, the President and founder of the Scheduled Castes Federation of India, was elected from Bengal and later from Bombay. The prominent among the lady Members were Mrs Sarojini Naidu, Mrs. Vijayalakshmi Pandit, and Mrs. Durgabai. By and large, the best part of the country's leaders of men, thought and ideas participated in the deliberations of this important and historic Assembly. One can go to the extent of attributing this to the system of indirect election in the Provinces, and nominations from most of the Princely States. It can also be said that a direct system of election could have only provided the Assembly the representative character, which might not have brought in the best The *locus standi* of the Constituent Assembly came to be questioned seriously, as it was not a representative body elected on a broad-based franchise. Technical objections were raised now and then, upon its claim to represent the 'will of the people'. One Member, Mr Maulana Hazrat Mohani, even went to the extent of giving notice of a Motion to adjourn the House, as only a newly-elected Constituent Assembly on adult franchise could discuss the Draft Constitution. But the motion was rejected as there was no one to support it. Later, Ambedkar set at rest this controversy by declaring on the floor of the House: "I say that this Preamble embodies what is the desire of every member of the House, that this Constitution should have its root, its authority, its sovereignty from the people. That it has"[24] It may be worthwhile to ponder here, whether some of the stalwarts mentioned, who had never fought elections, would have been elected at all in a system of direct elections. In this particular respect, therefore, the composition of the Assembly was most satisfactory, useful and could be expected to bestow the best thought and create a

worthy constitution. These persons, who were eminent in their own fields, brought to bear upon the Constitution of India the imprint of their thoughts and philosophies. This, however, is not to suggest that the Constitution was an innovation. No constitution, including the earliest one i.e., the American Constitution, would be claimed as an innovation. A constitution is bound to be shaped, drawing heavily upon the existing system of Government, however imperfect it might be, and the influences of men and organizations like the political parties and their programmes. The role of ideas and interests of individuals in constitution-making has been emphasised time and again. There was Charles A. Beard, who went to the extent of explaining the compromises in the Philadelphia Convention as motivated by the economic interests of the individual delegates, who were zealously trying to preserve their own interests. Such a claim and conclusion is, however, a far-fetched one. Still, the influence of those who are participants in the making of a constitution cannot be ignored.

The Constitution of India, as it emerged from the Drafting Committee, bore, obviously, the influence of Mahatma Gandhi, Pandit Nehru, Sardar Patel and the Congress Party's ideals in general. A large part of the Constitution was, no doubt, an adaptation from the Government of India Act, 1935, which was inevitable. Such being the case, we cannot ignore all these factors while examining the constitution-making in India. The Drafting Committee, with Ambedkar as its Chairman, had an important role to play. Hence, it is proposed to examine, in the following, the process of constitution-making in India, with special reference to the role of this Committee and its Chairman.

While we examine the role of Ambedkar as the principal architect of the Constitution, we have to take note of his two different capacities i e, as champion of the Untouchables, on the one hand; and as a constitutional expert, on the other. Further, his role as a politician should be bifurcated from that of the constitutional expert. He was a man of ripe political experience and enormous constitutional knowledge and acumen. Whenever the question of Untouchables was mooted, his heart would flow out for them in full measure; and he would go to any length to rehabilitate and get them maximum politi-

cal advantages and protections for their progress. In fact, as he himself acknowledged, he entered the Constituent Assembly solely to protect their interests. When he was thrashing out the new Constitution of India, he was playing the role of a great constitutional *pundit*, though it would be difficult for one to keep the two roles apart from each other. It is this role of his that is significant for students of India's constitutional evolution.

Constitution-making in leading countries of the world has been subject to several influences, as already pointed out. Both ideals and men are significant in shaping the constitutions. In the Constitution of the U.S.A., Ireland, France, Canada and other countries this is quite obvious. Similarly, in the case of India, constitution-making was influenced by many factors, such as the British political ideals and institutions, the series of British Parliamentary enactments, the impact of the nationalist movement, struggle of the socially and educationally backward people and the minorities of the country. The Preamble, the Directive Principles of State Policy, the provisions on Adult Franchise etc, were, for instance, the direct outcome of the political ideals of the Congress organization, which were propagated for years under the guidance of leaders like Mahatma Gandhi and Pandit Nehru. In fact, there was a chorus of condemnation of the Draft in the Constituent Assembly on the count that it did not provide for the Gandhian vision of *'Gram Raj'*, in which the village constituted the basis of political and administrative arrangement. The criticism was all the more severe in view of Ambedkar's forthright condemnation of the villages as 'dens of ignorance'. Ambedkar had said in his speech, while moving the Draft Constitution for consideration, as follows: "...No doubt village communities have lasted where nothing else lasts. But those who take pride in village communities do not care to consider what little part they have played in the affairs and destiny of the country; and why? "[25] Quoting Metcalfe's observations on the Indian villages, Ambedkar had observed: "I hold that these village republics have been the ruination of India. I am, therefore, surprised that those who condemn provincialism and communalism should have come forward as champions of the village. What is the village but a sink of localism, a den of ignorance,

narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit."[36] This was the signal. Shri T. Prakasham led the attack, and charged that there was a serious drift from the Gandhian ideology in the Draft. He castigated Ambedkar for it in these words: "...I must say that he has not been able to put himself in the position of those who had been fighting for the freedom of this country for thirty long years. In one stroke he condemned the village panchayat system... It is not a matter which should have been treated by Dr. Ambedkar in that manner..."[37] Shri Prakasham pleaded for a drastic amendment of the Draft to make the Constitution a truly Gandhian constitution. This was the type of charge that was common in the Assembly whenever there used to be a departure from the Gandhian approach and principles. This clearly reflects the mood of the Members and the degree of influence that Gandhism had on constitution-making and many other issues.

Ambedkar's participation in the constitution-making in an important capacity as the Chairman of the Drafting Committee, actually enriched the Constitution. This could be substantiated from the shower of praises and tributes to him from the Members, who participated in the general debate on the Draft. He not only drafted the constitution in the ablest manner possible, but also brought to bear upon the House his originality and skill in the field of constitutionalism, ably supplemented by his fine oratorical abilities. It was only he who could be counted upon to give the House a clear picture of the proposals contained in the Draft, in a way that was characteristic of the man. Besides drafting it, he had also to bear the responsibility for piloting the Draft in the Assembly. His speech, introducing the Draft, drew uniform praise and applause from Member after Member for its lucidity and symmetrical analysis.

The tributes paid to Ambedkar for his industry and skill were genuine. Shri. T. T. Krishnamachari, while congratulating Dr. Ambedkar on the enormous amount of work and enthusiasm he brought to bear on the drafting work, complained that enough attention was not paid to the work by the Drafting Commitee as a whole. He pointed out: "...of the seven members nominated, one had resigned from the House and

was replaced. One died and was not replaced. One was away in America and his place was not filled up and another person was engaged in State affairs, and there was a void to that extent. One or two people were far away from Delhi and perhaps reasons of health did not permit them to attend. So it happened ultimately that the burden of drafting this constitution fell on Dr. Ambedkar and I have no doubt that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable. ."[28] This was no small tribute, paid by a member of the Drafting Committee himself, to Ambedkar.

Prof. K. T. Shah, who was otherwise highly critical of the Draft, did not have reservations as to Ambedkar's abilities and industry. Joining 'in the chorus of congratulations', he said: "I have particularly to felicitate the Law Minister (Dr. Ambedkar) for the very lucid way in which he has put forward the salient features of the Constitution for our consideration, and given us thought-provoking ideas..." Later on, during the Third Reading of the Draft, the same Member said: "...while judged as a piece of art in drafting, I am afraid I cannot regard this draft as a gem of its kind, I am willing to admit that, within the circumstances and under the conditions under which they had to work, the Drafting Committee have shown, and the Chairman particularly of that Committee, an erudition, a knowledge and ability to adapt himself to changing circumstances, and present as good a draft as, under the circumstances, they could..."[29] Another Member, Dr. Joseph Alban D'Souza had this tribute to pay: "...the Draft Constitution is an excellent piece of work. May I say that it is a monumental piece of work put by the Honourable Dr. Ambedkar and his Drafting Committee after months of laborious work which may definitely be qualified as the work of experts, work which is comparative, selective and efficient in character right from the beginning to the end."[30] Mr. Frank Anthony, the Anglo-Indian leader paid his qualified tribute in these words: "...Whatever different views we may hold about this Draft Constitution, I feel that this will be conceded that it is a monumental document at least from the physical point of view, if from no other point of view. And I think it would be churlish for us not to offer a word of special thanks, to

the Members of the Drafting Committee, because I am certain that they must have put in an infinite amount of labour and skill to be able to prepare such a vast document."[31]

These tributes, which are but a few of the many, should indicate the onerous task that was fulfilled by Ambedkar, working almost single-handed, with the assistance of one or two members occasionally and of Mr. S. N. Mukherjee, the Joint-Secretary to the Committee. The work of drafting and piloting the Draft Constitution for a large country was not an easy task. It was beset with responsibilities towards not only the House but to posterity. It may be observed here, in passing, that a parliamentary enactment like the States Reorganization Act, 1956, has exhibited serious deficiencies and constitutional points in the course of its working for a decade now. The inter-state border disputes have become constant irritants and reminders of such shortcomings of an important enactment. In comparison, on the other hand, the working of the Indian Constitution itself as a whole, in spite of a number of Amendments to it, has established, beyond doubt, the soundness of its provisions so ably drafted and defended by Ambedkar. He could explain a point with such meticulous care and precision as to leave no one under a doubt. His observations at the time of introducing the First Amendment to the Constitution are worth our notice in this context. When the Supreme Court, for instance, invalidated the Communal G. O., of the Madras Government of 1950, Ambedkar commented on the floor of the House of the People that the judgment of the Supreme Court would have been different if only the judges had attached significance to the word 'only' in the Article. Throughout the deliberations of the Assembly, Ambedkar, as Pylee puts it:

> ...With a rich fund of knowledge of constitutional principles and practices in most of the leading countries, and his thorough and intimate understanding of the Government of India Act of 1935, Ambedkar was able to meet any critic in the Assembly and expound the principles underlying the Constitution in an admirable manner. Whenever he spoke in the House... there emerged a clear and lucid exposition of the provisions of the Constitution. As he sat down, the mist of doubts vanished, as also the clouds of

confusion and vagueness. In the Constituent Assembly none else was so forceful and persuasive in argument, clear and lucid in expression, quick and arresting in debate. And yet, he had always the generosity to concede the credit to a critic who made a valid point and to frankly acknowledge it....[82]

The Constitution of India

The Constitution of free India, as it emerged from the Constituent Assembly, was chiefly the handiwork of this astute constitutionalist. His role in its making and adoption can be appreciated fully by considering, in an objective way, the nature of the political society he provided for free India; and secondly, the legal and constitutional restraints upon authority in the form of Fundamental Rights. Finally, it is also necessary to examine the provisions relating to the Minorities The best way to do it is to base our observations upon his own exposition of the Draft Constitution, while he moved it for consideration; and further, in the light of the observations of the Members of the Assembly. Ultimately, it is proposed to make a final assessment of the stand Ambedkar took in respect of these provisions.

It should be stated at the very outset that the Constituent Assembly had appointed a number of important Committees and sub-Committees, besides the Drafting Committee. An 'Advisory Committee' to deal with the question of the rights of Citizens and those related to the minorities, the administration of the Tribal and Excluded areas etc., was appointed with 72 members on it. It was appointed in terms of paragraph 20 of the Cabinet Mission's Statement. Ambedkar was one of the seven members representing the Depressed Classes or the Scheduled Caste people. This was a very important committee, as it was entrusted with the onerous task of evolving and suggesting a policy and pattern for the rights of the citizens; and for protecting the minorities' interests. As discussed already, the minority problem was the bane of Indian politics and constitutionalism. Upon its satisfactory solution depended the soundness and acceptability of the new constitutional arrangement. The Hon'ble Pandit Govind Vallabh Pant, moving the Resolution for constituting the Advisory Committee, had hoped: "...this Advisory Committee will bring concord and

amity, goodwill and trust, in place of mutual strife, that occupies the political stage today and that as a result of the deliberations of this Committee we will have prepared the ground for Independent India for which we live:.."[33] In view of the special importance of this Committee the Members felt that it should be of a fully representative character. It had to formulate proposals for the protection of minorities and fundamental rights in such a way, "that it would be fair to the larger as well as the smaller interests so that all communities—big or small—would feel satisfied with the recommendations of this Advisory Committee."[34] The Advisory Committee, with the Hon'ble Sardar Vallabhbhai Patel as Chairman, had a number of sub-committees of its own for reporting on Frontier, Tribal and other areas. The reports of the sub-committees and the final report of the Advisory Committee itself constituted the chief basis upon which the Drafting Committee had to proceed regarding the problems of the minorities and Fundamental Rights. Besides, there was also the report in the form of notes on the fundamental rights submitted by Sir B. N. Rao, the Constitutional Adviser.

Another Committee that was constituted was 'the Committee on Subjects Assigned to the Union' to help the "Assembly in framing the Constitution so as not to leave for the future any overlapping or conflicts that might occur if various proceedings took place without correlation in different sections of the Assembly or otherwise."[35] As the Hon'ble Shri C. Rajagopalachariar stated further, it was to "do the required thinking" and "to help us to think out our difficulties and to find solutions for these difficulties."[36] The Committee was constituted with Jawaharlal Nehru as the Chairman, Sarat Chandra Bose, Dr. Pattabhi Sitaramayya, Govind Vallabh Pant, Jairamdas Daulatram, Biswanath Das, N. Gopalaswami Ayyangar, Bakshi Sir Tek Chand, Sir Alladi, D. P Khaitan, M R. Masani, and K M. Munshi as Members The non-inclusion of Ambedkar on this important Committee was pointed out by Jaipal Singh and others. On the other hand, the consensus of the House was that it was not a Committee on which communal representation was necessary. The only plausible explanation to such a reaction in the House could be that Ambedkar's name had come to be so inseparably and intimately associated

with the minority problem only. But the Members were committing a fundamental mistake in associating his name with such problems alone. Mr. Jaipal Singh's plea for the inclusion of Ambedkar was not as a minority leader, but as an expert constitutionalist and a specialist on the financial problems. It should be recalled here that his study of the Provincial Finances of British India was his significant contribution in the field of federal finances. This contention was further justifiable as Mr. Jaipal Singh mentioned the names of Dr Jayakar and Dr. Deshmukh along with Dr. Ambedkar's. Prof. N. G. Ranga, an economist himself, suggested that "Dr. Ambedkar's name should be included in the list, and I appeal to one of the Members whose names are suggested to offer to withdraw in his favour."[37]

Pandit Nehru was also the Chairman of the Union Constitution Committee and the Union Powers Committee—the two sub-committees entrusted with recommending model provisions in their respective subjects, which subsequently became the basis for the Draft Constitution. Besides these, there were other committees also like the Committee on Financial provisions of the Union Constitution with Mr. M V Rangachari and others. Each one of these Committees submitted its own report after careful study and scrutiny. The Drafting Committee had to take note of these recommendations and give them the necessary legal form and shape in the Draft.

What emerges from this discussion is that Ambedkar and the Drafting Committee were not the free agents They had to work under guidance from other agencies. In the most fundamental fields, the ideas and decisions of Pandit Nehru, Sardar Patel and the Congress party had to be accommodated. Messrs Nehru and Patel, the combination of an idealist and the realist respectively, had the final word in many matters They could, as well, be compared to George Washington and Madison in the Philadelphia Convention of 1897—the commander and the philosopher. If Nehru was the philosopher, Patel was the commander. The clash between idealism and realism that one comes across in our Constitution is mostly due to these two forces which prevailed ultimately. Ambedkar was himself against so many things that he wrote into the Constitution. He was, for instance, opposed to the philosophy of

the 'socialist state' in the Constitution. He thought, no constitution should contain such a philosophy. He said:

> ...What should be the policy of the State, how the Society should be organised in its social and economic side are matters which must be decided by the people themselves according to time and circumstances It cannot be laid down in the Constitution itself, because that is destroying democracy altogether If you state in the Constitution that the social organisation of the State shall take a particular form, you are, in my judgement, taking away the liberty of the people to decide what should be the social organisation in which they wish to live...[38]

But as we know he had to retract from this position and provide for such things. This is but one of many such instances, including his preference for 'due process' clause, which he could not retain. So in a study of the provisions of the Constitution we have to bear in mind this difficulty, which he had to encounter in the course of drafting the Constitution.

The Union Constitution Committee, with Pandit Nehru as its Chairman, laid down broadly the principles of the Union Constitution, that was worked upon later by the Drafting Committee. Its job was mostly that of filling in the details. It must be pointed out here that Ambedkar was not a member of this Committee. The Union Constitution Committee submitted to the Assembly its Report consisting of the Preamble, and eleven parts covering almost the entire field of the structure of the Union government, such as: Federal territory and jurisdiction; Citizenship, Fundamental Rights including the Directive Principles; the Federal Executive; Legislature and Judiciary; the Auditor-General of India; Services and Elections. It also dealt with the distribution of powers between the Union and the States, Amendment of the Constitution and the Transitional Provisions. An 'Ad-hoc Committee on Supreme Court' consisting of Shriyuths S. Varadachariar, Alladi K. Ayyar, B. L. Mitter, K. M. Munshi and B. N. Rau, was constituted. The committee made its recommendations regarding the jurisdiction and powers of the Supreme Court—Advisory jurisdiction and the ancilliary powers. It also discussed the strength of the Court *vis-à-vis* the Constitution, qualifications, mode of appointment and the tenure of the Judges etc.

Ambedkar and the Drafting Committee had the stupendous task of incorporating into the Draft the recommendations of these various committees and produce a Constitution in a coherent and acceptable manner. It was not only to be acceptable to the Members, but had to be so evolved as to serve the special and immediate needs of the infant democracy and also as to stand the test of time. It could not, obviously, be looked upon as a transitory arrangement. It was to be an enduring one. Whatever might be the justification for some flexibility in the Constitution it was to be sacrosanct to the extent it was necessary to make it a document worthy of its name. In this task lay the importance of the role of the Drafting Committee in general, and that of Ambedkar in particular The responsibility he wielded and discharged fully in this regard is clear from the arguments he put forward in the course of his brilliant and lucid speech moving the Draft for consideration and also the compliments the Members paid him.

The Frame of the Political Society the Form of the Constitution

The Constitution of India is prefaced with an admirable and precious Preamble which provides the clue to a clear understanding of the spirit—the political, economic, and social philosophy that pervades the constitutional provisions. The Preamble, it should be recalled here, was moved by Pandit Nehru in the early stages of the deliberations of the Assembly Naturally, it breathes the spirit and philosophy of the Congress Party's programmes, and that of Mahatma Gandhi The Preamble to the Indian Constitution proclaims India as an 'Independent Sovereign Republic'. The Objectives Resolution, on which the Preamble was based, not only indicates the source of the Constitution, but primarily, lays down the nature of the polity of free India. Though it is a Federal polity that we have *in the Constitution, nowhere it is referred to as such.* Article 1 of the Constitution calls India an 'Union of States' and the federal character of the polity is, therefore, implied, though not explicitly written out. The Preamble describes India as a 'Sovereign Democratic Republic'. A republican form of government implies sovereignty of the people, and the head of the State is elected by the people. He does not hold that office

hereditarily. A Republic, as explained by the Americans, is a government opposed to the rule by a single dictator or of an oligarchy. Madison explained it as "a government which derives its powers directly or indirectly from the great body of the people and is administered by persons holding their offices during the pleasure, for a limited period, or during good behaviour. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favoured class..."[39] In other words, this means a democratic form of government, that has been provided for in our Constitution.

Another important feature of the constitutional structure of Indian democracy is its federalism. Lord Bryce, describing the United States of America, called it 'a Commonwealth of Commonwealths, a Republic of Republics, a State which, while one, is nevertheless composed of other states even more essential to its existence than it is to theirs'.[40] This description is apt in the Indian context too. Article 1 (I) of the Constitution states 'India, that is Bharat, shall be a Union of States'. This is, perhaps on the Canadian model, which is also called an 'Union'. There were a number of amendments moved in the Constituent Assembly to call it a 'Federation' instead of 'Union of States'. Ambedkar had his own explanation and justification to call our polity an 'Union of States' and not a federation. He said:

> ... though India was to be a Federation, the Federation was not the result of an agreement by the States to join in a Federation and that the Federation not being the result of an agreement, no State has the right to secede from it. The Federation is a Union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration the country is one integral whole, its people a single people living under a single *imperium* derived from a single source The Americans had to wage a civil war to establish that the States have no right of secession and that their Federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to dispute.[41]

The indestructible character of our Union was assumed in the wording of Article 1. But later, a law had to be made to make

and also referred to another important aspect of federalism. He continued:

> Federalism is described as a weak if not an effete form of Government. There are two weaknesses from which Federation is alleged to suffer. One is rigidity and the other is legalism... A Federal Constitution cannot but be a written constitution and a written constitution must necessarily be a rigid constitution. A Federal Constitution means division of sovereignty by no less a sanction than that of the law of the constitution between the Federal Government and the States, with two necessary consequences: (1) that any invasion by the Federal Government in the field assigned to the States and *vice versa* is a breach of the Constitution, and (2) such breach is a justifiable matter to be determined by the Judiciary only. This being the nature of federalism, a federal Constitution cannot escape the charge of legalism. These faults of a Federal Constitution have been found in a pronounced form in the Constitution of the United States of America.[46]

Ambedkar was keen on reducing these faults of legalism and rigidity in the new Constitution, as the circumstances in the country would not permit such a frame of political society in view of the dangers that were there to this infant nation. This was also done in the Australian Constitution. Ambedkar claimed that in the Draft he had made an improvement over even the Australian Constitution and 'secured the greatest possible elasticity in its federalism which is supposed to be rigid by nature'. A special feature of the Draft in this regard, which was an innovation, was that it 'added new ways of overcoming the rigidity and legalism inherent in federalism'. Ambedkar referred to the relevant provisions, and said, the first special feature is "the power given to Parliament to legislate on exclusively provincial subjects in normal times.... The second means adopted to avoid rigidity and legalism is the provision for facility with which the Constitution could be amended...."[47] There is yet another special feature of the Indian federation which distinguishes it from other federations. In the Draft an attempt was made to eliminate the inherent diversities of a dual polity. A federation, as we know, is based on divided authority resulting in diversities in the laws of the States and the Union. Up to a point diversity may be tolerated.

But this very diversity, said Ambedkar:

> When it goes beyond a certain point is capable of producing *chaos and has produced chaos in many federal States* .. Such a state of affairs not only weakens the State but becomes intolerant to the citizen who moves from State to State only to find that what is lawful in one State is not lawful in another. The Draft Constitution has sought to forge means and methods whereby India will have Federation and at the same time will have uniformity in all basic matters which are essential to maintain the unity of the country. The means adopted by the Draft Constitution are three: (1) a single judiciary, (2) uniformity in fundamental laws, civil and criminal; and (3) a common All-India Civil Service to man important posts.[48]

Ambedkar had hoped that with a *single judiciary* for the entire country, and by providing for a concurrent list of subjects, and finally by providing for 'an All-India Service recruited on an all-India basis with common qualifications, with uniform scale of pay and the members of which alone could be appointed to strategic posts throughout the Union', it will be possible to achieve the required degree of unity in the life of the newly-born Republic These were the technical and also the circumstantial justifications he could give to clear the doubts in the minds of the Members as to the nature of our Constitution and the polity.

It is possible to hold that such an arrangement, as provided for in the Draft was, to a large extent, also shaped by personal views of Ambedkar on the subject. He was not a votary of a federal system, for he was a believer in a strong central government. It was particularly necessary in a country like India with centripetal and centrifugal tendencies operating. As he had observed elsewhere, the genius of Indians was to divide and not to unite. Parochialism, casteism, linguism and such other fissiparous tendencies have persisted all along in the history of our people. He thought, a strong central government was particularly essential to safeguard the interests of the *minorities. His support for such a strong government* was expressed in a Kale Memorial Lecture for 1959, in which he had made a critical study of the scheme for the All-India Federation set out in the Government of India Act, 1935. Referring to the strength of the Federal frame, he had said:

> The existence in the country of one Government which can speak and act in the name of and with the unified will of the whole nation is no doubt the strongest Government that can be had and only a strong Government can be depended upon to act in an emergency. The efficiency of a Governmental system must be very weak where there exists within a country a number of Governments which are distinct centres of force, which constitute separately organized political bodies into which different parts of the nation's strength flows and whose resistance to the will of the Central Government is likely to be more effective than could be the resistance of individuals, because such bodies are each of them endowed with a government, a revenue, a militia, a local patriotism to unite them. The former is the case where the Unitary system of Government prevails. The latter is the case where the Federal form of Government prevails[49]

He was, thus, having a preference for Unitary form of Government. This is further clear from his own words:

> I am not opposed to a Federal Form of Government I confess I have a partiality for a Unitary form of Government. I think India needs it. But I also realize that a Federal form of Government is inevitable if there is to be Provincial Autonomy.[50]

But he also realized that "there is no use hugging to Provincial Autonomy and leaving Responsibility in the Centre hanging in the Air. I am convinced that without real responsibility at the Centre, Provincial Autonomy is an empty shell."[51] These observations were made by him, no doubt, in the context of the Federation as envisaged under the 1935 Act, of which he was highly critical. Nevertheless, these views were deep-rooted in his mind and one can realize the validity of this when one reads his views on the nature of a safe polity for protecting the minorities. That is the reason why he provided for a flexible Federal polity with a strong Centre. Our experience in the course of nearly twenty years of the working of the Constitution has shown that Emergency Powers of the President have been of great use during times of national crisis like those of external military aggressions upon India.

The Draft provided for an 'overcentralized' Union with weak units with a view to vesting real 'responsibility at the

Centre'. There were severe criticisms in the Constituent Assembly as to an overbearing Centre, which the Members called a 'betrayal'. Political Scientists have called the Indian Federation 'quasi-federal'. According to K. C. Wheare it establishes a Unitary State with subsidiary federal features rather than a federal State with subsidiary Unitary features[52] To Sirdar D. K. Sen, it is a 'decentralized Unitary State'. But according to K. Santhanam, the Constitution embodies the federal principle in such a substantial measure that it is truly a federal constitution.[53] It is true that the form of Constitution we are given is neither completely federal nor just confederal. It is something more than confederal and something less than federal, which may not receive the approval of political scientists. But it is one that was evolved to suit the conditions of a new nation emerging, as it did, under very special conditions and grave circumstances. To the critics of the federal system in the Constitution, Ambedkar had this reply·

> Some critics have said that the Centre is too strong. Others have said that it must be made stronger The Draft Constitution has struck a balance However much you may deny powers to the Centre, it is difficult to prevent the Centre from becoming strong Conditions in modern world are such that centralization of powers is inevitable One has only to consider the growth of the Federal Government in the U. S A. which, notwithstanding the very limited powers given to it by the Constitution, has outgrown its former self and has overshadowed and eclipsed the State Governments. This is due to modern conditions. The same conditions are sure to operate on the Government of India and nothing that one can do will help to prevent it from being strong On the other hand, we must resist the tendency to make it stronger... It would be a folly to make it so strong that it may fall by its own weight.[54]

In providing for a less rigid form of federation, Ambedkar was guided by the principle that a constitution is, after all, the expression of the will and the needs of a people at a given time, and it would be fatal if one were to be guided by strict constructions of constitutional principles and patterns as, for example, the pattern of federalism. He was alive to the fact that no federation functioning in the world was an ideal or

perfect one. There is nothing like that. It is functioning with innumerable variations. Each constitution provides for a system that suited the needs of its society most. A Constitution is, after all, a mechanism providing for a system of Government that will serve the needs of a people. To Ambedkar 'the constitution is merely a mechanism for purpose of regulating the work of the various organs of the State'. So one need not be a slave to a system, but can modify it to suit the requirements of the country. This has been the spirit in the Constitution throughout its construction. After all, as Pylee looks at it: "What is significant is not the achievement but the movement in itself. Federalism is like any other idea in government, and the correct approach to it should be empirical; the search for its beneficial results is more important than any insistence on rigidity in its form. Hence, theoretical definitions of federalism which ignore the historical evolution of federalism and its potentialities as a dynamic idea for future experimentation are of little value."[15]

Dr. Ambedkar's distinct contribution in this regard lies in the fact that he could overcome the temptation to be guided by rigid principles, and provide for a system that would suit and work well. He had the vision and forethought to look beyond and think of the needs of a divisive, but a growing society. In spite of there being an overbearing and strong Centre we find today, the States behaving in such a narrow and parochialist way that some right-thinking people are wondering whether we should switch over to an Unitary State! There are several advocates of an Unitary form of Government in our own country today. It is not because the federal frame, provided in our Constitution, has completely failed, but because there are certain dangerous tendencies developing in our body-politic that need a stronger Centre. There is a feeling that a strong and an unified Central Government alone can bring about the desired degree of political, administrative and emotional integration amongst our people. A plea for a unitary state has become stronger in view of the developments in the field of inter-state relations, particularly since the reorganisation of the States in the year 1956. The relations between the States are anything but happy since then, either on account of sharing of common natural resources, or because of the

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location of vital and basic industrial units like the Steel Plants etc.[56] The Union Government is compelled to reverse its own decisions under local pressures and intimidations through fasts, and acts of vandalism on public property and essential services. No wonder Ambedkar provided for a stronger Centre, only to overcome such difficulties in the future, which was, of course, the maximum he could do in the circumstances then. The question of creating an Unitary State at that time was ruled out. There was the most intriguing problem of bringing within one political frame the areas and political units which were so divergent as the British Indian Provinces and a formidable number of Princely States of all conceivable sizes, patterns and attitudes. The linguistic, religious, cultural and other difference could be accommodated only in a federal arrangement. By its very definition, Federalism is looked upon today as essentially a principle of reconciliation and compromise to forge a degree of unity among a diverse people, as it is described by Lord Acton, A. V. Dicey, Harold J. Laski and others. So Ambedkar could not but think of a federal polity for India. Moreover, he was not a free agent in constitution-making. If he had the freedom, and circumstances permitting, it is possible to hold that he would have, perhaps provided for a Unitary State. But he had to take note of the various political forces and other compulsions inside the country. He was very well aware of these factors. Looking at the future of the country, he had expressed his deep concern and anxiety, and observed: "What perturbs me greatly is the fact that India has not only once before lost her independence, but she lost it by the infidelity of her own people... Will history repeat itself?"[57] he had asked. His anxiety was deepened by the realisation that in addition to their old enemies in the form of castes and creeds, people had too many parties with diverse and opposing creeds. He, therefore, had urged the people of India to guard resolutely against the eventuality of parties placing their creed above the country or else "our independence will be put at jeopardy a second time and probably be lost for ever. We must be determined to defend our independence *till the last drop of our blood*."[58] In these utterances of his in the Constituent Assembly, he sounded prophetic; and naturally had taken all pains to provide for a political frame which

would endure all such onslaughts and fissiparous tendencies that might raise their ugly heads within the body-politic. Ambedkar had the full support of his colleagues on the Drafting Committee, and other important leaders in the Constituent Assembly in not setting the Indian federation in a tight mould Mr. Frank Anthony, for example, lent his total support for a strong Centre. He said, during the general discussion on the Draft Constitution· "I, also, regard as a salutary principle the need for not giving too much power to the Centre. Constitutionally, that is an unexceptionable principle, but in applying it, we must adapt it to local needs and circumstances, and, if we are frank with ourselves, we must admit that in this vast country of ours there is an inherent potential of divergence and disintegration. Because of that I feel that the maximum power possible that can be given to the Centre must be given to the Centre in the interests of the country, in the interests of the integrity and cohesion of the nation. ."[59] While providing for a flexible federation Ambedkar was avoiding the extremes and following the golden mean between the unitary and federal forms This was generally his approach in the making of our Constitution. He so designed it that it should be federal when possible, and unitary when necessary. Ambedkar could convince the critics and those who advocated a strict conformity to federal principles by his lucid, graphic and realistic appraisal of the political climate of the country. He enlightened the Members on the need for balancing between the Centre and the States. At every stage he had a word of wisdom and warning, though very often it was unpleasant and rather irritating to a section of the House. But he discharged his duty with a great sense of responsibility, not only to the House, but to posterity as well.

The Form Of Government

The Constitution of India provides for a Parliamentary system of government on the British model, in preference to the Presidential form of the American model. The Drafting Committee recommended, after careful consideration, the parliamentary system of government with its own justifications. But once again we should realize that it is not the British model pure and simple that was provided for in the Draft.

There are quite a few modifications of it, both in its form and import. It is not a complete physical importing of the British system into our Constitution. It has been adopted with those modifications that suit the needs and the genius of our people. There was a considerable degree of opposition in the Constituent Assembly for adopting the parliamentary system. A section of the House led by Prof. K. T. Shah that was opposed to this system pleaded for the adoption of the Presidential system of the American type. They argued that for the very reasons of political, religious and cultural diversities in the country a form of government that would give stability, strength and power to control all fissiparous tendencies was needed. To them, parliamentary system stood for instability and can work only in a political society with a high degree of political maturity and constitutional discipline. They wondered whether such pre-requisites were available in the political life of India. The parliamentary system, in view of its removable character of the executive, might lead to political chaos and constitutional crisis. But the Draft Constitution envisaged a removable parliamentary system of Executive. Ambedkar gave the following explanation, justifying it:

> ... A democratic executive must satisfy two conditions —(1) It must be a stable executive, and (2) it must be a responsible executive. Unfortunately it has not been possible so far to devise a system which can ensure both in equal degree. You can have a system which can give you more stability but less responsibility, or you can have a system which gives you more responsibility but less stability. ... Looking at it from the point of view of responsibility, a non-Parliamentary Executive being independent of Parliament tends to be less responsible to the Legislature, while a Parliamentary Executive being more dependent upon a majority in Parliament becomes more responsible. The Parliamentary system differs from a non-Parliamentary system inasmuch as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility. . The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability.[60]

Referring to one of the amendments moved by Prof. K. T.

Shah to provide for the separation of the executive from the legislature, Ambedkar said:

> ... it will be realised that the Americans themselves have begun to feel a great deal of doubt with regard to the advantage of a complete separation between the Executive and the Legislature. There is not the slightest doubt in my mind... that the work of Parliament is so complicated, so vast that unless and until the Members of the Executive sit in Parliament, it would be very difficult for Members of Parliament to carry on the work of the Legislature. The functioning of the members of the Executive along with Members of Parliament in a debate on legislative measures has undoubtedly this advantage, that the Members of the Legislature can receive the necessary guidance on complicated matters and I personally therefore, do not think that there is any great loss that is likely to occur if we do not adopt the American method of separating the Executive from the Legislature.[61]

To those who were familiar with Ambedkar's views on the subject, this came as a great surprise and a visible transformation in his views. He, as a champion of the minorities in general and of the Untouchables in particular, had been pleading for a stronger and more stable form of executive as the only protection against any incursions into their rights. Not long before he had expressed in most categorical terms his preference for an irremovable non-parliamentary system in the Memorandum he submitted to the Constituent Assembly on behalf of the All-India Scheduled Castes Federation. It was published in 1947 under the title *States and Minorities.* He had provided in Article II, Section III of this model constitution that 'the Union and State Executive shall be non-parliamentary (not removable before the term of the legislature). He, obviously, had in his mind not only the American but the Swiss model too, when he provided that "Members of the Executive could be non-legislators in which case they shall have the right to sit in the legislature, speak, vote and answer questions".[62] He had also stated that the special features and requirements of the parliamentary executive being what they are, make the system absolutely unsuitable for India. Further, if adopted, "it would result in permanently vesting Executive power in a communal majority...(which) will be free to run

the administration according to its own ideas of what is good for the minorities. Such a state of affairs could not be called democracy. It will have to be called imperialism".[63] The introduction of such a system of government "will be full of menace to the life, liberty and pursuit of happiness of the minorities in general and of the untouchables in particular".[64] He was also of the opinion that the parliamentary system of the British type would not be successful in India and its chances were 'very slender' He was convinced that 'in view of the clashes of castes and creeds there is bound to be a plethora of parties and groups in the Legislatures in India', which may result in the instability of the Executive. He was, of course, prophetic in this utterance of his There are today, a plethora of parties and groups within the ruling party. The irony is, in spite of it, there is still the dominance of one political party and that is the Indian National Congress, which has provided almost a one-party rule at the Centre and in all the States but one since independence[65]

Ambedkar had thought, on the other hand, an irremovable executive, modelled largely on American type, would serve the following purposes·

(*i*) To prevent the majority from forming a Government without giving any opportunity to the minorities to have a say in the matter.
(*ii*) To prevent the majority from having exclusive control over administration and thereby make the tyranny of the minority by the majority impossible
(*iii*) To prevent the inclusion by the Majority, in the Executive, representatives of the minorities who have no confidence of the minorities.
(*iv*) To provide a stable executive necessary for good and efficient administration[66]

He claimed that "the American form of Executive is an equally good type of democratic and responsible form of government", *and his proposal was "an improved edition of the* American form of Government for the reason that under it members of the Executive can sit in the Legislature and have a right to speak and answer questions".[67]

One fails to understand as to why there was such a complete swing to the opposite in Ambedkar's views and stand on this

problem as the Chairman of the Drafting Committee. As indicated in his speech in the Assembly, he defended the parliamentary system with a removable executive. He argued that such a system with a removable executive provided a greater degree of responsibility, which was the need of the country.

This sudden transformation in his position and views can possibly be explained in the light of the following points: In the first place, it should be remembered that his proposals as contained in his brochure *States and Minorities* were intended mainly to be the demands of a minority group. He had, therefore, to plead in it for and on behalf of the Scheduled Castes and lay emphasis on such things as would protect their interests at any rate. His plea for an irremovable executive was one such But as Chairman of the Drafting Committee and as the principal architect of the Constitution, he could not afford to think only on a sectional basis and give expression to his personal views and preferences He had to take into consideration various other things. Secondly, as pointed out time and again, he was not his own free agent in the Constituent Assembly. In the third place, there was the model of a parliamentary system already provided for in the Act of 1935, though in a limited way, and also Indians had developed familiarity with parliamentary institutions—at least from a distance, during the long period of British rule. Finally, a more important factor than anything else was, that Prime Minister Nehru had already expressed his preference for the parliamentary system in his speech earlier in the Assembly. It should also be remembered that Mr. Nehru was the Chairman of the Union Constitution Committee, on the basis of whose Report the Drafting Committee had to proceed. The Union Constitution Committee had provided for the Parliamentary system with an indirectly elected President as its constitutional head Prime Minister Nehru, clarifying the position of the President and the system of indirect election, had said that it was not advisable to adopt the system of direct election as in the case of the American President because:

> ...we want to emphasize the ministerial character of the Government that power really resided in the Ministry and in the Legislature and not in the President as such. At the same time we did not want to make the President just

a mere figure-head... We did not give him any real power but we have made his position one of great authority and dignity...if we had an election by adult franchise and yet did not give him any real powers, it might become slightly anomalous and there might be just extraordinary expense of time and energy and money without any adequate result .. I am quite convinced in my mind that if we try to adopt that (the American system) here, we shall prevent the development of any ministerial form of Government [68]

It was also felt that the British system of Executive, which would provide a strong democratic executive would suit the conditions of our country. The support for adopting this system came from an important section of the Assembly consisting of Shri K M. Munshi, Sir Alladi Krishnaswami Iyer and others Shri Munshi, for instance, said:

. between the two Executives, one on the American model and the other on the British model, there can be no question of preference during the last 100 years, the Indian public life has largely drawn upon the traditions of the *British Constitutional law Most of us* .have looked up to the British model as the best For the last thirty or forty years, some kind of responsibility has been introduced in the governance of this country Our Constitutional traditions have become parliamentary and we have now all our provinces functioning more or less on the British model. As a matter of fact, today, the Dominion Government of India is functioning as a full-fledged Parliamentary Government. After this experience why should we go back upon the tradition that has been built for over 100 years, and try a novel experiment ?[69]

Sir Alladi Krishnaswami Aiyar also expressed his preference for the parliamentary system so that the Union Executive will have real relationship with those of the Indian States. Secondly, he thought.

. An infant democracy cannot afford, under modern conditions, to take the risk of a perpetual cleavage, feud or conflict or threatened conflict between the Legislature and the Executive. The object of the present constitutional structure is to prevent a conflict between the Legislature and the Executive and to promote harmony between the

> different parts of the Governmental system.... These then, are the reasons which influenced this Assembly as well as the various Committees in adopting the Cabinet system of Government in preference to the Presidential type...[70]

Ambedkar had, therefore, no alternative but to give legal shape to the parliamentary system with a removable executive by writing it into the constitution and justify its adoption by the Assembly. One still wonders whether the mixed type of executive, which he had envisaged earlier, would have been more desirable in the light of what is witnessed since the adoption of the Constitution. Instead of laying emphasis on responsibility alone, he should have provided for a system, which would ensure responsibility with a certain degree of stability also. Though we have enjoyed political stability in the life of the nation, yet much attention, energy and resources are diverted for preserving it. Both the opposition parties and the factional groups within the Congress party are constantly trying to wrest power. No-confidence motions are too frequent, both at the Centre and the States. At the States level, particularly, we are witnessing frequent changes in the leadership of the Congress Legislature Party during one term of office. In the States of U.P., Orissa, Madhya Pradesh, Andhra Pradesh we had such changes, which were not in the interests of democracy and parliamentary system at all They were mostly prompted by considerations of power for a group or an individual inside the ruling party itself. This can largely be ascribed to the very system of executive we have adopted in the Constitution that allows changing of the leader and the Government in the middle of his or its tenure of office. As to the Opposition, they are interested in creating trouble and causing embarassment to the removable executive and shaking its very existence by moving no-confidence motions, in and out of season, and very often the Opposition is found playing to the galleries in almost a ridiculous manner. In the circumstances, one feels, if there were to be an irremovable executive as contemplated by Ambedkar in his brochure *States and Minorities*, this scramble for power would not have been a day-to-day feature in our political life today.

Ambedkar, it is possible to hold, would have provided for

a mixed type of executive, had the circumstances permitted him He had realised that a removable executive could work only where there was a greater degree of political maturity and constitutional discipline among the people who are called upon to work it A removable executive can work smoothly and with grace only where there are sound parliamentary traditions. One is constrained to observe that even with over fifteen years of parliamentary life in India, we woefully lack those traditions The degree of indiscipline, disorderliness and pandemonium that we witness in the legislatures, fully substantiate the foregoing observations A mixed type of Executive, modelled on the Swiss Executive System, would have served the needs of our country better. Though Ambedkar had the vision to foresee and realize this, he could not succeed in incorporating it into our Constitution for the aforesaid reasons. But he was quite convinced and emphatic about the usefulness of the mixed type of Executive for India.

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CHAPTER

9

Fundamental Rights and the Constitution

THE NEED for a Bill of Rights in a Constitution is too well-known to be over-emphasized A Bill of Rights is designed to achieve a delicate balance between the liberty of the individual and the authority of the State The State is a repository of vast powers of coercion. An unlimited and unrestrained authority of the State would, naturally, constitute a primary source of threat to individual liberty This was realised by John Stuart Mill when he referred, in his essay *On Liberty*, to this 'eternal problem' of making 'a fitting adjustment between individual independence and social control' through the State. The problem assumes new dimensions in a democracy wherein the individual liberty looms large. While conceding the same, the authority of the State is also to be safeguarded to prevent the society degenerating into anarchy in the name of democracy. Such a balance is hoped to be achieved and maintained by providing for a Bill of Rights in the fundamental law of the

land itself and put them beyond the reach of the fluctuating majority in the Legislatures, as far as possible.

A Constitution written at a time as the Constitution of India could not but provide for a Bill of Rights with a sense of achievement and pride. Ever since the freedom struggle was launched, Indians were attracted towards the American Declaration of Independence and the Amendments to the American Constitution incorporating the Bill of Rights The demand for fundamental rights for Indians was one of the important planks in the protracted negotiations between the British and the Indians. Right to life, liberty, freedom of speech, expression, worship, assembly etc, were demanded time and again. The resentment they exhibited against the Rowlatt Bills, which were the blackest laws passed by the British Parliament, could be considered as an effective expression of this demand. The Indian National Congress and various other organisations were demanding these basic freedoms for one and all. The matter was discussed at the Round Table Conferences also. At no stage in Indian history, rights of citizens were recognised in the form we know them today. The British consistently refused to grant them to the Indians. The first effective demand was made by the All-Parties Conference in 1928. The Nehru Report provided for fundamental rights, as it was felt that certain safeguards and guarantees were necessary to create and establish a sense of security among the people in view of the communal and other differences. In 1933 the Indian National Congress passed a Resolution on fundamental rights. It demanded political and economic freedom to be guaranteed in order to put an end to the exploitation of the masses. It declared that any Constitution that is going to be suggested would be acceptable only if it contained fundamental rights, besides other things. But the Indian Statutory Commission and the Joint Parliamentary Committee did not recommend the inclusion of fundamental rights. The result was that the Government of India Act, 1935 went without a Bill of Rights. It was only in the Proposals of the Cabinet Mission in 1946 that the British accepted, in principle, for the first time the need for fundamental rights in the proposed Indian Constitution. The Cabinet Mission proposed an Advisory Committee on the Minorities etc. The Constituent Assembly of India had

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complete unanimity on this question. The Members were all along enthusiastic about a Bill of Rights. As Ambedkar recollected, the Bill of Rights was welcomed by one and all. There was no one who raised his voice against fundamental rights They probably thought that fundamental rights were an ornament of the Constitution and that without it the Constitution would look nude.[1] No wonder it came to occupy a place of importance in the new Constitution. The Constitution has provided for two sets of rights—Fundamental Rights and the Directive Principles of State Policy. If fundamental rights are justiciable, the Directives are in the form of non-justiciable rights, that is to say, the citizens have no recourse to judicial remedy if they are denied the enjoyment of the rights that are in the form of mere Directives.

The rights guaranteed in the Indian Constitution, together with the Directives, are quite comprehensive. The objective of the makers of the Constitution in this regard was quite clear. They had in their minds the plight of the Indian citizen during the British rule, which had disregarded his basic freedoms. This had to be remedied for It was also imperative that certain classes of people who were subjected to the tyranny of a discriminatory treatment and social ostracism in the hands of their own brethren had to be emancipated The large number of 'Untouchables' had to be rehabilitated on terms of equality in the Indian society. The rights were, therefore, to be emancipatory in their character Finally, the makers of the Constitution had to shape the rights in such a way as to protect the rights of all sections of the society, so diverse in its composition The cultural identity of the different racial, linguistic and religious groups had to be guaranteed and preserved. Above all, a Constitution that was being written in the middle of the twentieth century had to take note of the new philosophy of State functions—the welfare-state philosophy. The concept of welfare-state had come to stay and the individual was to be guaranteed such rights as right to education, employment, minimum wage, proper standards of health, nutrition etc All these find a place in the Constitution as Directives, though not as justiciable ones. It was a stupendous task that the Constituent Assembly had to face while it was seized of this problem. It is in the light of this that

we have to appreciate the part played by Ambedkar in writing the rights of the citizens into the fundamental law of our land.

Dr. Ambedkar and Fundamental Rights

Ambedkar, as the champion of the downtrodden, was convinced beyond doubt as to the need for a Bill of Rights in the Indian Constitution. He had been pleading continuously for an elaborate system of fundamental rights for the minorities in particular, and for all the citizens in general. His fight for social justice was the main plank in his struggle as the leader of the minorities. He was also convinced that social justice could not be secured to one and all unless it was enshrined in the Constitution itself. In the course of the Memorandum—*A Scheme of Political Safeguards for the Protection of the Depressed Classes in the future Constitution of a self-governing India*—that he submitted jointly with Rao Bahadur R. Srinivasan to the Minorities sub-committee of the First Round Table Conference, he had laid down model Articles on Fundamental Rights, based mostly on Amendment XIV of the U. S. Constitution; Government of Ireland Act, 1920; U. S. Civil Rights Protection Acts of April 9, 1866 and of March 1, 1875; Burma Anti-Boycott Act of 1922 etc. His views on fundamental rights are more elaborately expressed in his book *States and Minorities,* which is itself in the form of a model Constitution. Article II of this deals with Fundamental Rights of Citizens. The main feature of this Article is the specific reference to the Protection of Minorities, safeguards for the Scheduled Castes, and sanction for safeguards etc., apart from the Fundamental Rights of citizens in general and the remedies against invasions. Ambedkar largely depended upon the Constitutions of other countries where conditions analogous to those in India prevailed. The rights he enumerated bear a close resemblance to similar provisions in the Constitution of the U. S A.

Ambedkar designed these rights with the chief objective of eliminating and for abolishing inequalities. The safeguards he contemplated against a possible invasion by the State or the individual was through the judicial power, guided by the *'due process of law'*. He had fully realised that rights without legal remedies are of no use. The fundamental rights enumerated

by him in this book are reproduced, in part, below with a view to providing the required perspective in a discussion of his contribution to the body of fundamental rights in the Constitution of India. In Article II, Sections I and II of his model Constitution he provides for the following rights for all citizens:

> ..Any privilege or disability arising out of rank, birth, person, family, religion or religious usage and custom is abolished. No deprivation of life, liberty and property without *due process of law*; equality before law. Equal access to all citizens to places of public resort or convenience—denial of them to any person shall be an offence
>
> Subjecting a person to forced labour or to involuntary servitude shall be an offence. Right to vote for all other than the young, the insane and the imprisoned. No law shall be made abridging the freedom of Speech, of the Press, of Association and of Assembly except for consideration of public order and morality. No Bill of attainder or *ex-post facto* law shall be passed. Liberty of conscience including the right to profess, to preach and to convert within limits compatiable with public order and morality. The State shall not recognise any religion as State religion.[2]

There were also other provisions dealing with remedies against invasion of Fundamental Rights; protection against unequal treatment; protection against discrimination; protection against economic exploitation with due theoretical justifications regarding the necessity for such provisions in a Constitution. In Section III of Article II, he discussed other provisions for the protection of Minorities, in addition to the ones already enumerated in the earlier sections. But in this he worked upon a mixed type of executive as an additional safeguard for protecting the minorities from the tyranny of a communal majority in free India.

These views expressed by him in his model constitution may be considered as his personal views, in whose adequacy, from the national and the minorities' standpoint, he had complete faith. It is now, therefore, proposed to examine how far he could incorporate his views on fundamental rights into the Constitution.

It is already mentioned that Ambedkar was one of the seven members representing the Scheduled Castes on the seventy-two-member Advisory Committee on Minorities, Fundamental Rights etc., appointed in terms of Paragraph 20 of the Cabinet Mission's Statement. Sardar Vallabhbhai Patel was its Chairman. This Committee was a very important one as it was to deal with problems that were very sensitive and highly controversial throughout the period of political negotiations between the British and the Indians. The reports of the various sub-committees and the final report of the Advisory Committee itself constituted the basis for the work of the Drafting Committee in this respect. Sir B. N. Rau, the Constitutional Adviser to the Constituent Assembly, also submitted his report in the form of a Note on Fundamental Rights[3]

Nature of Fundamental Rights

The Advisory Committee had provided for a list of rights in two parts: (*i*) those rights that are enforceable by appropriate legal process; and (*ii*) those directive principles of social policy which, "though not enforceable in courts, are nevertheless to be regarded as fundamental in the governance of the country".[4] Under justiciable fundamental rights the Advisory Committee listed Rights of Equality, of Freedom, of Religion, miscellaneous rights, and right to constitutional remedies.

The incorporation of two categories of rights was suggested by Sir B. N. Rau also in his Note, which made a reference to similar provisions in the Irish Constitution, and such a distinction made in Dr. Lauterpact's *International Bill of Rights of Man* (1945). In framing the draft Bill of Rights for incorporation in the Indian Constitution, the Note said:

> .. there are certain rights which require positive action by the State and which can be guaranteed only so far as such action is practicable, while others merely require that the State shall abstain from prejudicial action. Typical of the former is the right to work, which cannot be guaranteed further than by requiring the State, in the language of the Irish Constitution, "to direct its policy towards securing that the citizens may, through their occupations, find

> the means of making reasonable provision for their domestic needs"; typical of the latter is the right which requires, in the language of the American Constitution, that "the State shall not deprive any citizen of his liberty without due process of law". It is obvious that rights of the first type are not normally either capable of, or suitable for, enforcement by legal action, while those of the second type may be so enforced...[6]

Thus, the Drafting Committee came to provide for two kinds of rights in the course of two Parts—Fundamental Rights, and Directive Principles of State Policy—in Articles 7 to 27 of Part III, and 28 to 40 of Part IV of the Draft Constitution. These two parts adorn the new Constitution of India as Parts *III and IV in the course of Articles 12 to 35, and 36 to 51* respectively.

The fundamental rights in the Indian Constitution are more elaborate and comprehensive than in the Bill of Rights in any other Constitution. This was necessitated by the special problems of diverse religious, cultural and social conditions of a heterogeneous society. They are also intended to provide not *only security for and quality of citizenship but also certain* standards of conduct, citizenship, justice and fair play. It is in this part of the Constitution that the lofty principles adumbrated in the Preamble were to find a fuller expression.

In order to secure the basic freedoms and conditions essential for the development of human personality and dignity, the Constitution provides for seven categories of Rights: (*i*) Right *to Equality*, (*ii*) *Right to Freedom*, (*iii*) *Right against Exploitation*, (*iv*) Right to Freedom of Religion, (*v*) Cultural and Educational Rights, (*vi*) Right to Property, and (*vii*) Right to Constitutional Remedies.

There are certain special features of these rights. They are not absolute ones. There are a number of restrictions imposed on the enjoyment of these rights. They can be suspended or *even restricted. Articles 33 and 34, for instance, empower the* Parliament to modify the rights in their application to certain classes of persons. In addition to these restrictive provisions, the President of India is also empowered by Articles 358 and 359 to suspend provisions of Article 19 and to suspend the enforcement of the rights conferred by Part III as a whole during

the proclamation of Emergency. Besides these restrictions we also come across some provisions which are in the form of constitutional limitations upon the authority of the State There are also provisions like Articles 15, 16, 19, 29 and 30 that are applicable only to citizens and not available for aliens While there are some rights that impose limitations upon State action such as in Articles 14, 15(1), 16 and 18 to 22; there are other provisions also imposing limitations upon the freedom of private individuals in the course of Articles 15 to 17 and 23(1). The Constitution in the course of Article 19(2) to (6), imposes limitations on the seven freedoms given to the citizens. So to any casual observer the Constitution abounds with restrictions and limitations, while it is also eloquent in its grant of freedoms.

Such a position has subjected the Constitution to severe criticisms, but it is to be remembered that absolute and unrestricted individual rights do not and cannot exist in any modern State. Such is the position even in England where there is no written constitutional guarantee of fundamental rights This is equally the position in the U.S A., notwithstanding the constitutional guarantee of individual rights. The U.S. Courts have accepted this position.[6] The U.S. Courts, as a matter of fact, had, therefore, to invent the doctrine of '*police power*' to impose some necessary restrictions, while interpreting the Constitution[7] The doctrine of '*police power*' implies the inherent power in the State to impose necessary restrictions upon fundamental rights in order to protect the common good. In other words, it is founded on the doctrine: 'the whole is greater than the sum total of all the parts, and when the individual health and safety and welfare are sacrificed or neglected, the State shall suffer'. "In an organized society, . . . there cannot be any right injurious to the community as a whole. The police power is thus the authority to establish those rules of good conduct and neighbourliness which are calculated to prevent a conflict of rights and to insure to each the uninterrupted enjoyment of his own, so far as that is reasonably consistent with a corresponding enjoyment of others."[8]

Our Constitution recognised and adopted this principle, instead of leaving it to the Courts. It has improved upon the American Constitution by defining the scope of the limitations in the Constitution itself. Ambedkar maintained that reasonable restrictions are indispensable, if the rights guaranteed are to be fully

enjoyed by one and all. In reply to the criticisms in the Constituent Assembly, Ambedkar replied thus:

> . . the criticism in so far as it seeks to distinguish fundamental rights from non-fundamental rights is not sound. It is incorrect to say that fundamental rights are absolute while non-fundamental rights are not absolute. The real distinction between the two is that non-fundamental rights are created by agreement between parties while fundamental rights are the gift of the law Because fundamental rights are the gift of the State it does not follow that the State cannot qualify them. . . [9]

Ambedkar also pointed out, on the basis of the verdicts of the U.S. Supreme Court, that it is wrong to say that fundamental rights are absolute. He explained the point thus:

> . In America, the fundamental rights as enumerated by the Constitution were no doubt absolute. Congress, however, soon found that it was absolutely essential to qualify these fundamental rights by limitations. When the question arose as to the constitutionality of these limitations before the Supreme Court, it was contended that the Constitution gave no power to the United States Congress to impose such limitations. The Supreme Court invented the doctrine of police power and refuted the advocates of absolute fundamental rights by the argument that every State has inherent in it police power which is not required to be conferred on it expressly by the Constitution What the draft constitution has done is that instead of formulating fundamental rights in absolute terms and depending upon our Supreme Court to come to the rescue of Parliament by inventing the doctrine of police power, it permits the State directly to impose limitations upon the fundamental rights [10]

As to the criticisms on the provisions regarding the suspension of fundamental rights Ambedkar said.

> . . . in certain cases where, for instance, the State's very life is in jeopardy, those rights must be subject to certain amount of limitation . . . In times of emergency the life of the State itself is in jeopardy and if the State is not able to protect itself in times of emergency, the individual himself will be found to have lost his very existence. Consequently, the superior right of the State to protect itself in times of emer-

> gency, so that it may . . . live to discharge its functions in order that the individual under the aegis of the State may develop, must be guaranteed as safely as the right of an individual. . .[11]

This able defence of the limitations by Ambedkar is a tribute to his constitutional acumen which set at rest all misgivings and criticisms. His contribution in this regard lies not only in that he steered through the Assembly Article 13 of the draft (present Article 19) safely, but that he conceived a system of rights with necesasry limitations in the interest of individual freedom and the authority of the State. He evolved and incorporated a philosophy of rights based on the need for balancing individual liberty and the need for social control which alone can provide social justice. Ambedkar's contention in defence of such restrictions was supported by other members also. One of them said:

> I have no doubt in my mind that in this article (Article 13 of the Draft) the Drafting Committee has chosen the golden mean of providing a proper enumeration of those rights that are considered essential for the individual, and at the same time, putting such checks on them as will ensure that the State and the Constitution which we are trying to bring into being today will continue unhampered and flourish.[12]

There is yet another aspect of fundamental rights which also created some controversy and that was regarding the scope for judicial review in India, where there is no constitutional guarantee of the 'due process of law' as in the U.S.A. The Fifth Amendment to the American Constitution says that "no person shall be . . deprived of his life, liberty or property without *due process of law*". (Italics added). Whereas Article 21 of the Indian Constitution says that "no person shall be deprived of his life or personal liberty except according to *procedure established by law*". (Italics added).

It is necessary and worthwhile to examine, in this context, the actual implications of the two systems. The term *due process of law* is very wide in its application as against *procedure established by law*. Due process has both a procedural and substantive meaning As such its adoption has given the American Judiciary the scope to examine the validity of laws not only from the point of view of the legislature's competence, but also from the angle

sonance with fundamental principles. . . The second position is that the legislature ought to be trusted not to make bad laws. It is very difficult to come to any definite conclusion. There are dangers on both sides. For myself I cannot altogether omit the possibility of a Legislature packed by party men making laws which may abrogate or violate what we regard as certain fundamental principles affecting the life and liberty of an individual. At the same time, I do not see how five or six gentlemen sitting in the Federal or Supreme Court examining laws made by the Legislature and by dint of their own individual conscience or their bias or their prejudices be trusted to determine which law is good and which law is bad. It is rather a case where a man has to sail between Charybdis and Scylla and I, therefore, would not say anything I would leave it to the House to decide in any way it likes.[20]

Ambedkar, obviously, was in a dilemma; and, therefore, he remained neutral on this issue It was very unusual for a man of his equipment and temperament to have remained neutral on this important issue. Not that he was not prepared to express his specific preference for 'due process', which he had actually provided for in his model Constitution [21] It may be recalled here that in one of the articles in the said Constitution he had clearly laid down: "No deprivation of life, liberty and property without *due process of law*. . [22] He was, perhaps, forced to remain neutral on this issue by the force of circumstances, particularly because of the Party pressure Important leaders of the Congress Party like Mr Nehru, who were in favour of 'due process' clause in the beginning, ultimately leaned in favour of the 'procedure established by law'. Mr Nehru had declared, in some other context, that the Court could not become 'a third Chamber', and that Parliament was sovereign He emphatically asserted.

. Within limits no judge and no Supreme Court can make itself a third chamber No Supreme Court and no judiciary can stand in judgment over the sovereign will of Parliament representing the will of the entire community. If we go wrong here and there it can point it out, but in the ultimate analysis, where the future of the community is concerned, no judiciary can come in the way And if it comes in the way ultimately the whole Constitution is a creature of Parliament . . it is obvious that no court. no system of judiciary can function in the nature of a third House, as a kind of Third

> House of correction So it is important that with this limitation the judiciary should function. . .[23]

Mr. Nehru, essentially a man of the masses, was attached to the idea of the supremacy of the Parliament almost instinctively. How could one expect such a person to favour judicial review and judicial supremacy? Obviously, Article 15 was passed, as contained in the Draft itself with the procedure clause, under a party whip. We have reason to believe that Ambedkar, in view of his background and earlier professing and due to the influence of American Constitution over him, was inclined to support the due process clause. The House was sharply divided on this issue. Ambedkar, if allowed to have his own way, would have provided for due process, which would have been a more useful and desirable clause in our Constitution. But he could not do that.

Ambedkar was, apparently, unhappy over this Article, though he could not save it at the time of its adoption. As if to make amends to this, he moved a new Article—Article 15(A)—(Present Article 22)—which was not in the Draft Constitution at all. This new Article was moved and adopted almost at the fag end of the deliberations of the Assembly. It was intended to provide certain protections against detention, and the substance of the law of 'due process'. Moving the new article Ambedkar said:

> [illegible] because all that Article 15 does is this, it only prevents the executive from making an arrest . . . It was felt that while this matter was being included in the chapter dealing with Fundamental Rights, we were giving a *carte blanche* to Parliament to make and provide for the arrest of any person under any circumstances as Parliament may think fit. We are, therefore, now, by introducing article 15A (present 22) making, if I may say so, compensation [illegible] article 15. In other words, [illegible] of the law of "due proces [illegible] 15A . . .[24]

This was the utmost he could do, in the circumstances, to mitigate the evils of a possible executive tyranny in regard to pre-

ventive detention. It, however, did not set at rest the controversy over and opposition to the 'procedure' clause. What the Article has been able to achieve, as claimed by Ambedkar, is that preventive detention takes place only under the law, and it cannot be at the will of the executive. He wanted "to restore the content of due procedure in its fundamentals without using the words 'due process' "[25] This is one of those areas of constitution-making in which Ambedkar could not write into it what he generally preferred and wanted to write

Minorities and the Constitution

One of the main themes of this study has been the problem of securing to the minorities their basic rights and protecting their interests. Ambedkar strove throughout his public life for the emancipation of the largest minority group—the Untouchables in particular and other minorities in general The Minorities Pact, the Communal Award, the Poona Pact and such other arrangements were designed to give the minorities the necessary protection The problem of the minorities, therefore, loomed large in the negotiations between the British and the Indians towards a political settlement. The British made it a condition-precedent for transferring power that they should come to an agreement among themselves. It was the Cabinet Mission that ultimately decided to leave the problem of the minorities to the charge of a special Committee that would recommend to the constitution-making body the principles on which the rights of the citizens, the minorities and also of the tribal and excluded areas would be secured

In fulfulment of this responsibility the Advisory Committee recommended the broad principles on which the rights were to be provided for in the Constitution. The Drafting Committee, as Ambedkar himself expressed, did not have any responsibility in this matter. It simply followed the decisions of the Constituent Assembly in regard to the safeguards for the minorities.[26] It might also be recalled here that Ambedkar was a Member of the Advisory Committee and also its special sub-committee on Minorities. He utilised the opportunity to participate effectively in the evolving of a system of rights and safeguards for the minorities that would not only satisfy every minority but would also, in the long run, minimise the problem. Though he was but one of the

72 Members of the Committee, he was perhaps one of those few who had suffered most as a member of a minority group, if not for any other reason. Only he could feel the extent of injustice perpetrated upon a large section of the Hindu society. So he was eminently suited to secure justice and fair play to them and thus paving the way for their allround progress in a free and just society.

Dr. Ambedkar's anxiety was not just to wring some concessions out from the Government or to be content with a few more seats for his people. He was anxious, on the other hand, to make use of the opportunity of constitution-making for solving the problem of minorities in India on more enduring grounds and for ever. If he demanded separate electorates, and later on accepted a modified form of joint electorates during his negotiations with the British, he, as the maker of the constitution strove to obliterate from the country's life the minority problem as such. The attitude he took at this juncture was one of mutual efforts and adjustments among the majority and the minority communities in a spirit of give and take. He told the Constituent Assembly:

> . . . In this country both the minorities and the majorities have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognise the existence of the minorities to start with. It must also be such that it will enable minorities to merge some day into one . . . To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the State... The other is that the minorities in India have agreed to place their existence in the hands of the majority. In the history of negotiations for preventing the partition of Ireland, Redmond said to Carson 'ask for any safeguard you like for the Protestant minority but let us have a United Ireland'. Carson's reply was 'Damn your safeguards, we don't want to be ruled by you'. No minority has taken this stand (except the Muslims). They have loyally accepted the rule of the majority which is basically a communal majority to realize its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the

minorities can have no ground to exist. They will vanish . . .[27]

In these words he welcomed and commended the safeguards provided for the minorities in the Draft Constitution. Though he disowned responsibility for them, perhaps owing to a sense of modesty on his part, yet the imprint of his philosophy on them is too obvious to be missed by any one His ardent desire that the minorities should ultimately 'vanish' is the key to understand better, the spirit underlying the safeguards for minorities in the Constitution.

A quick glance at the provisions adumbrated in Parts III, IV and XVI of the Constitution indicates the nature of safeguards to the minorities. Articles 14 to 17, 23, 25 to 30, 38, 46 and 330 to 342 are directly relevant to the problem of minorities *vis-à-vis* the fundamental rights.

There are, broadly, three distinct kinds of minorities considered for the purpose of providing protection. They are: the religious minorities such as the Muslims, the Sikhs, the Christians, the linguistic minorities, and the Scheduled Castes and Tribes If the problem of "religious minorities is mostly one of the political rights, the problem of linguistic minorities is one of conservation of language, and rights to education and employment, and the problem of Scheduled Castes is one of Social and economic rights, while that of the Tribes is of conserving their culture, laws and tribal property "[28] The problems of each one of these minority groups were appreciated fully, and accordingly they are given certain safeguards Besides embodying the doctrine of Rule of Law in the course of Articles 14, 15 and 16 for the minorities along with other citizens, in the remaining Articles specific safeguards and protections have been laid down The Constitution has recognised the right of equality for the religious, linguistic and cultural minorities and has stated them fully.

In this connection special mention must be made of Article 17 of the Constitution which abolishes the practice of 'Untouchability' in any form. Article 17 in a simple and brief way has abolished 'untouchability', and age-old anachronism of our society. It was for that day, on which the Constituent Assembly adopted this Article in one voice, that Ambedkar was anxiously

striving for all along his life and was looking forward. Article 17 states:

> "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.[29]

Accordingly, the Untouchability Offences Act, 1955 provided for specific punishment for particular offences under Article 17. As one of the Members of the Assembly observed:

> . . . This clause does not propose to give special privileges and safeguards to some minority community, but it proposes to save one-sixth of the Indian population from perpetual subjugation and despair, from perpetual humiliation and disgrace . . . for the sake of sustaining our goodwill and reputation beyond the boundaries of India, this clause . . . must find a place in the Constitution of free and independent India . . . So, I think, Sir, that today the 29th November [illegible] bles, [illegible] ance,
>
> Last of all, I cannot resist the temptation of saying a few words about our great and eminent Law Minister and Chairman of the Drafting Committee, Dr. Ambedkar. It is an irony of fate that the man who was driven from one school to another, who was forced to take his lessons outside the classroom, has been entrusted with this great job of framing the Constitution of free and independent India, and it is he who has finally dealt a death-blow to this custom of untouchability, of which he was himself a victim in his younger days. . .[30]

Rightly, 29th November 1948, the day on which Article 11 of the Draft (present Art. 17) came to adorn the Constitution and the Members of the Assembly adopting it with the cries of "Mahatma Gandhi Ki Jai."[31] was indeed a day of fulfilment for not only Ambedkar but for the vast number of Untouchables. Looking back, one could say Dr. Ambedkar was the man who was destined to emancipate his unfortunate brethren.

It was pointed out that Article 17 did not 'create' any particular right and privilege. Ambedkar was aware of this fact. But as he had pointed out earlier, it was the only effective way in

which the determination of the majority communities and also the minorities *to eradicate this evil, root and branch, could be* expressed emphatically. Untouchability was one of the greatest disabilities suffered mutely by nearly one-sixth of the country's population. If a 'right' means 'a remedy against a disability', the *fundamental* right created in Article 17 should be a great charter of deliverance to those people. Those who had inflicted and perpetuated such a humiliation and disgrace on these unfortunate people, by writing this right into the constitution could repent of their sins As Dr Pylee puts it.

> . . . The custom of untouchability had not only thrown millions of the Indian population into abysmal gloom and despair, shame and disgrace, but it had also eaten into the very vitals of the nation There could be no better sign of the determination to eradicate the evil than incorporating this article into the chapter on Fundamental Rights in the Constitution.[32]

No doubt with this Article Ambedkar's name would go to posterity as not only a great constitution-maker, but also as a *great social revolutionary, reformer and emancipator of the age.* The nation owes a debt of gratitude to him for his most secular approach to the problem of the minorities in free India

It is necessary, at this stage of the discussion on the Minorities, to refer to the political safeguards granted to them in the course of Articles 330 to 342 of the Constitution. The Constitution abolished the system of separate electorate on communal lines granted by the British to the religious minorities. We have seen that Ambedkar was always concerned about the position of the Scheduled Castes as not only social outcastes but also as political outcastes. He was of the firm conviction that once political and economic equality was established, social equality would follow, and law could help them in this regard. This equality was granted in Articles 13 to 17 and 19. In addition to this, Ambedkar thought that 'Adult Franchise' would enable the Scheduled Castes to pull the necessary weight in the political field as they were important numerically, and adult suffrage would mean a 'big change'. Ambedkar was also hopeful that once the seven freedoms and right to equal protection and treatment were assured, *the social injustices could be removed* easily. He asked: "After

> of this country, it is in the interest of all to lay down real and genuine foundations of a secular State, then nothing is better for the minorities than to trust the good-sense and sense of fairness of the majority, and to place confidence in them But in the long run, it would be in the interest of all to forget that there is anything like majority or minority in this country and that in India there is only one community...[36]

But a section of the Members representing the Sikhs and Muslims were not happy over this, and they demanded some provision for them by which they could get political safeguards Some Muslim Members suggested the adoption of the system of Proportional Representation with multi-member constituencies and cumulative system of voting. Though this suggestion was appreciated in principle, it was rejected owing to practical difficulties that beset such a system in a country with such large number of illiterate voters. Further, Ambedkar himself would have preferred a longer period of special protection, to ten years, for the Scheduled Castes. But the consensus was in favour of ten years, which he accepted gracefully. We are only to recall here that at the end of the ten-year period, the special safeguards were extended for a further period of ten years from 1960.[37]

The provisions of Part XVI of the Constitution are rightly called special provisions relating to certain classes—the Scheduled Castes and Tribes and the Anglo-Indians. Article 330 and 332 provide that seats shall be reserved for Scheduled Castes and Scheduled Tribes in the House of the People and Legislative Assemblies of States respectively Articles 331 and 333 provide for representation of the Anglo-Indian community by nomination by the President and the Governor, in case that community is not adequately represented in the Union and States' lower Houses According to Articles 334 and 336 the period of such reservations is fixed as ten years from the commencement of the Constitution. Article 335 stipulates that the "claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistent with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State". The Constitution also requires

the appointment of a Special Officer for Scheduled Castes and Tribes, by Article 338, to investigate and report to the President on all matters relating to the safeguards to these classes; and by another Article the President may appoint a Commission to investigate the conditions of backward classes.[38] The President is also vested with the power to notify the castes, races and tribes to be included in the Scheduled Castes' List of a State for purposes of according special protection by Articles 341 and 342.

The scheme of political safeguards for minorities evolved and incorporated into the Constitution heralded a new era in the political and constitutional life of the country. It is significant in so far as it abolished the separate electorates; the reservation of seats in the legislatures for all religious minorities and other special safeguards, excepting to the Scheduled Castes and Tribes. It achieved the twin objectives of preserving the secular character of our polity, and secondly, it enabled the Scheduled Castes and Tribes, whose claims for such special treatment were incontrovertible, to receive special protection for a specific period. The implications of the new system of safeguards can be summed up as follows (*i*) that the basic philosophy of the State should be such as would discourage minority-thinking; (*ii*) since minorities in India are essentially religious minorities, only a Secular State would enable the minorities to feel secure and satisfied, which would ultimately lead to an integration of the minority and the majority in the more important fields of State activity and public life. This process of integration should not, however, be mistaken for a physical merger of different groups into one, but it would be one of emotional integration. It could be achieved by removing all psychological and social barriers to co-operation. Hence the Constitution enshrined the principle of secularism with tolerance for every religious faith —major or minor—by allowing each religious group to 'profess, practise and propagate' its own religion 'subject to public order, morality and health'.[39] The Constitution has provided for secularism as the sheet-anchor of individual freedom of not only the majorities but the minority groups also by granting the right to freedom of religion. Ambedkar had been advocating religious tolerance and equal right of all religious groups in the country if the minorities are to feel secure. He went to the

extent of laying down in detail, in the course of Article II, Section I of his model constitution, conditions for freedom of conscience and the right to profess and preach any religion "*within limits compatible with public order and morality*".[40] He pleaded for a secular India when he said: "The State shall not recognise any religion as State religion".[41] In the same spirit, and on similar lines the new Constitution of India has also held out secularism as a device *to solve the minority problem*. By recommending and finally adopting Secularism as the basis for constituting free India, Ambedkar rendered a signal service to modern India This is a distinct contribution of this champion of the downtrodden.

The problem of minorities, that was the knottiest of all problems, was thus sought to be resolved in a novel and satisfactory way. The successive Reports of the Commissioner for Scheduled Castes and Tribes have reported with a sense of pride, on the trend of developments which is quite encouraging. The Scheduled Castes and Tribes and other backward classes are registering rapid social, economic and educational strides. Though 'untouchability' has not completely vanished, its intensity is greatly reduced and one can hope to relegate it to history in the near future Ambedkar's life's 'mission' has been fulfilled inasmuch as he set the pace towards an all-round progress of the untouchables and their ultimate emancipation by utilising *the opportunity of writing the Constitution of India. He laid the* foundation for a just society by incorporating the principle of secularism in the Constitution.

Justice—Social and Economic

Before concluding this discussion on Ambedkar's contribution to the constitutional evolution of India, we have to examine a grave note of warning that he sounded in the Constituent Assembly in his final speech, replying to the debate on the third reading of the Draft Constitution. After meeting the points made out by the critics, he dilated on the nature and conditions of a real democracy. He posed the question whether the Indian citizen would be having democracy in the real sense, in its *economic and social aspects with the ushering in of the Republic.* To him, democracy was nothing but the consummation of the three "principles of liberty, equality and fraternity . . (that)

form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy..."[42] He knew fully well the inadequacies of the Indian society to serve as the base for a full-fledged democratic edifice. One such inadequacy was the 'principle of graded inequality', which meant 'elevation for some and degradation for others'. So also in the economic field. It is for these reasons that he said:

> ...On the 26th January 1950, we are going to enter into a life of contradictions In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up . . .[43]

He also lamented the absence of fraternity—a sense of common brotherhood of all Indians—that gives unity and solidarity to social life that was conspicuous by its absence.

These observations of Ambedkar are so significant that one cannot afford to overlook their implications They raise some fundamental questions such as: whether the new Constitution was not going to provide for social and economic equality, whether it provided only for political equality. Then what about the lofty ideals of 'Justice—social, economic and political'—adumbrated in the Preamble to the Constitution? Was Ambedkar dissatisfied with those parts of the Constitution that claim to provide for social and economic justice?

These and many such questions can be answered only in the light of the relevant provisions of the Constitution. The fundamental rights, no doubt, create political equality and liberty. The article abolishing untouchability along with Articles 14 to 16 and 19 create opportunities for equal treatment in all respects. But specific economic rights like right to work, an adequate living wage, better standards of living etc., are not avail-

able as fundamental rights. They are laid down in the constitution only as non-justiciable rights intended to direct the policy of the State towards such objectives. They are not mandatory provisions, though they may constitute the guidelines of State Policy. No doubt all citizens are at a disadvantage in this regard. But those who were suffering under inequalities for ages would be at a greater disadvantage in free India! Ambedkar was having this stark reality in his mind, though he defended the Directive Principles of State Policy in the following words:

> The Directive Principles are like the Instrument of Instructions . . . under the 1935 Act. Such a thing is to my mind to be welcomed Wherever there is a grant of power in general terms for peace, order and good government, it is necessary that it should be accompanied by instructions regulating its exercise
>
> The inclusion of such instructions in a Constitution such as is proposed in the Draft becomes justifiable for another reason . whoever captures power will not be free to do what he likes with it In the exercise of it, he will have to respect these instruments of instructions which are called Directive Principles He cannot ignore them. He may not have to answer for their breach in a Court of Law. But he will certainly have to answer for them before the electorate at election time. What great value these directive principles possess will be realized better when the forces of right contrive to capture power[44]

This defence of the Directive by Ambedkar would not satisfy the critics A number of Amendments were moved. In reply to a Member he said

> ...Constitution is merely a mechanism for the purpose of regulating the work of the various organs of the State... What should be the policy of the State, how the Society should be organised in its social and economic side are matters which must be decided by the people themselves according to time and circumstances It cannot be laid down in the Constitution itself, because that is destroying democracy altogether If you state in the Constitution that the social organisation of the State shall take a particular form, you are, in my judgment, taking away the liberty of the people to decide what should be the social organisation in which they wish to live...[45]

He further referred to the provisions of the Directive Principles and asked: "...If these directive principles to which I have drawn attention are not socialistic in their direction and in their content, I fail to understand what more socialism can be."[46]

It is interesting to recapitulate here his earlier observations on the issue in his model Constitution in which he had provided for a separate clause on 'Protection against economic exploitation'[47] He had criticised the general tendency of almost all democratic constitutions to stop with adult suffrage and Fundamental Right. He had said:

> ...old time constitutional lawyers believed that the scope and function of constitutional Law was to prescribe the shape and form of the political structure of the society. They never realized that it was equally essential to prescribe the shape and form of the economic structure of society, if democracy is to live up to its principle of one man, one value.. All countries which are late comers in the field of constitution-making should not copy the faults of other countries. They should profit by the experience of their predecessors.[48]

How far Ambedkar himself and the Drafting Committee were profited by this observation is to be noted He had also argued that it is necessary to plan the economic life of the people on such lines that would lead to highest point of productivity without closing any avenue to private enterprise, and also provide for the equitable distribution of wealth,[49] because there is a real connection between individual liberty and the type or form of economic structure of society. He had also maintained that in order to avoid dictatorship, which may be an attractive alternative for economically dissatisfied people, the only way out, he said, ". .seems to be to retain Parliamentary Democracy and to prescribe State Socialism by the law of the Constitution so that it will be beyond the reach of a Parliamentary majority to suspend, amend or abrogate it It is only by this that one can achieve the triple object, namely to establish socialism, retain Parliamentary Democracy and avoid Dictatorship."[50]

He was, apparently, in favour of inscribing in the Constitution itself the principles and structure of the economic life of the people. But this could not be achieved by him, as the

Chairman of the Drafting Committee, to the extent he wanted it. He had to be satisfied with just mentioning them as principles that are fundamental in the governance of the country, though not fundamental from the point of view of their enforcement. The circumstances, probably, permitted him to achieve only this far and no further. Even that was no mean an achievement, for, the Directives, as we know, provide the ideal of economic democracy the spirit of which, it was hoped, would not be ignored by the changing pattern of power position of the political parties Though the directives are criticised as 'pious declarations' and 'empty promises' and a 'mere amplification of the Preamble', they have been looked upon as useful in so far as 'they are fundamental', as Justice Chagla thought them to be, 'in the governance of the country' Chief Justice Kania commended them in these words: "The Directive Principles represent not the temporary will of a minority in the legislature but the deliberate wisdom of a nation exercised while settling the paramount and permanent law of the country". The effectiveness of these provisions of the Constitution would have to depend upon a more vigilant and effective public opinion than upon Courts. Ambedkar was aware of this and had fully realised the need for building up such a public opinion, constantly vigilant; and also a sense of justice and fair play among stronger sections towards the weaker sections of the Indian society. That was the task lying ahead of the people of India to which Ambedkar drew their attention by saying that bringing about economic and social justice and equality and creating fraternity depended upon the people who should strive to achieve these social and economic goals through constitutional methods in preference to revolution. He disapproved of the coercive, though peaceful, means such as civil disobedience, satyagraha and fasting. He was, in other words, appealing to the people to develop a sense of constitutional morality which alone would take them to the cherished goals He was rightly apprehensive of the impact of the Gandhian techniques, of fighting a government, upon the people of free India and had warned: "...where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the Grammar of Anarchy and the sooner they are abandoned, the better for us".[51] He spoke, as

if by a prophetic instinct in him, of the possible evil effects of such unconstitutional methods on the peace and progress of our society. We are today witnessing in the public life of the country a widespread tendency of resorting to methods such as fasts—even for good causes. No wonder Ambedkar utilised the opportunity for appealing on behalf of the long-oppressed sections of the society in these words:

> ...there can be no gainsaying that political power in this country has too long been the monopoly of a few and that many are not only beasts of burden, but also beasts of prey. This monopoly has not merely deprived them of their chance of betterment, it has sapped them of what may be called the significance of life. These downtrodden people are tired of being governed. They are impatient to govern themselves. This urge for self-realization in the downtrodden classes must not be allowed to devolve into a class struggle or class war. It would lead to a division of the House... Therefore, the sooner room is made for the realization of their aspiration, the better for the few, the better for the country, the better for the maintenance of its independence and the better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life. That is why I have laid so much stress on them.

He also stressed on the new responsibilities of the people thus:

> ...Independence is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibilities By independence, we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong Times are fast changing. People including our own are being moved by new ideologies... If we wish to preserve the Constitution in which we have sought to enshrine the principle of Government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.[52]

These observations of his, mature as they were, bring out the humanist and patriotic fervour in Ambedkar and he served the cause of the country and those for whose emancipation he had vowed all along his life this way. There was, therefore, no essential contradiction in his views on the means to achieve the economic and social objectives. It was the Constitution and the constitutional method that should be utilised for the purpose. But it depends upon the sense of constitutional morality the people possess, if it is to bear fruits. It is gratifying to note that quite a number of Directives such as: organisation of village panchayats;[53] provision for free and compulsory education for children;[54] promotion of educational and economic interests of Scheduled Castes and Tribes and other weaker sections;[55] and provisions of articles 47 and 48 on prohibiting the consumption of intoxicating liquors and cow-slaughter, and the separation of the Judiciary from the Executive[56] have been implemented in most of the States and Union Territories. But this is not all There are still more important Directives which need to be implemented and await implementation. The progress so far has set the pace towards an early implementation of them thereby leading the country towards the welfare state. The efforts of the State in this regard are mainly concentrated through the national Five Year Plans. So far three Plans are put through, and the Fourth Plan is being finalised All the Plans and particularly the Third Five Year Plan has spelled out the Indian concept of socialistic pattern of society and welfare ideology in more concrete terms and form. The late Prime Minister Nehru provided the necessary ideological content and boost to these Plans, which only justifies the statement *that the Directives provided for in the Consitution are* not allowed to remain as mere platitudes and pious declarations, but have been taken up sincerely for implementation Ambedkar was, after all, right in laying emphasis on the need for a vigilant public opinion in support of the Directive Principles in his characteristic powerful way. His endeavours in this regard are bearing fruits

Ambedkar and Constitution-Making· the Role Determined

The main theme of discussion in this Chapter is the role of Ambedkar in the making of our Constitution. The scope of

the discussion is confined to some vital areas of constitution-making that have great relevance and real impact on the political, economic and social structure of the Indian society. Ambedkar's life has been a saga of a heroic fight against the forces inimical to justice, equality and fraternity. He did not let go any opportunity, that came his way, of serving the interests of the untouchables. He, in fact, looked upon such opportunities as joining the Viceroy's Executive Council, the Cabinet of Mr. Nehru and of entering the Constituent Assembly itself as too precious to be lost, if the cause of his people, which he had espoused all along, is to be served. While expressing his gratitude for the compliments showered on him by the Members of the Constituent Assembly at the end of its deliberations, he said:

> ...As to the compliments that have been showered upon me both by the members of the Assembly as well as by my colleagues of the Drafting Committee I feel so overwhelmed that I cannot find adequate words to express fully my gratitude to them. *I came into the Constituent Assembly with no greater aspiration than to safeguard the interests of the Scheduled Castes.* I had not the remotest idea that I would be called upon to undertake more responsible functions. I was therefore greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman... I am grateful to the Constituent Assembly and the Drafting Committee for reposing in me so much trust and confidence and to have chosen me as their *instrument* and given me this opportunity of serving the country. (Cheers)[57] (Italics added)

This statement of his, though full of modesty, is significant for us in determining his role in constitution-making. He had conceded, and rightly so, the claims of other Members of the Drafting Committee, the Constitutional Adviser Sir B. N. Rau, and the Secretary Mr. S. N. Mukherjee, whom he called 'the Chief Draftsman of the Constitution', in the following words:

> The credit that is given to me does not really belong to me It belongs partly to Sir B. N. Rau,...who prepared a rough draft of the Constitution for the consideration of the Drafting Committee. A part of the credit must go to

> the members of the Drafting Committee . . . without whose ingenuity to devise new formulae and capacity to tolerate and to accommodate different points of view, the task of framing the Constitution could not have come to so successful a conclusion Much greater share of the credit must go to Mr. S. N. Mukherjee, the Chief Draftsman of the Constitution. His ability to put the most intricate proposals in the simplest and clearest legal form can rarely be equalled...He has been an acquisition to the Assembly...[58]

Ambedkar also acknowledged the active guidance and discipline provided by the Congress Party without which the Constituent Assembly would have been 'merely a motley crowd, a tasseleted pavement without cement, a black stone here and a white stone there in which each member or each group was a law unto itself'. He said further: ".. It is because of the discipline of the Congress Party that the Drafting Committee was able to pilot the Constitution in the Assembly with the sure knowledge as to the fate of each article and each amendment The Congress Party is, therefore, entitled to all the credit for the smooth sailing of the Draft Constitution in the Assembly"[59] Moreover, it would be too great a claim that can be made by, or for any one individual for an exclusive share and responsibility for himself in so great and an enormous task as writing the Constitution of a country In no country this is possible The responsibility and the credit or discredit had to be shared, as we know, by not only several individuals but by various organizations that did exert pressure and influence 'Rebels' also had their own contribution to make A number of amendments moved by them were accepted. In the framing of the Indian Constitution the responsibility for producing a Draft was fixed upon its Drafting Committee. Dr. Ambedkar as its Chairman had an onerous duty to discharge this responsibility to the Assembly in co-operation with other members of the Committee and with the assistance of the Constitutional Adviser, the Secretary and his staff. It is already pointed out that a number of Committees and sub-committees were constituted for reporting on specific aspects of the Constitution. The work of the Drafting Committee was, therefore, one of collecting the points recommended in the course of various reports and also the ideology that was laid down in the Aims and Objectives

Resolution. The influence of the Gandhian ideology, the political, social and economic philosophies of Mr. Nehru, Sardar Patel and the Congress Party were quite strong and inescapable. It is to be recalled that it was Mr. Nehru who moved and defended the Aims and Objectives Resolution and Article 24 of the Draft on right to property that was left blank by the Drafting Committee in the Draft. Obviously it was taken away from the hands of the Committee to be discussed and finalised in the Congress Party. It was, once again, Sardar Patel who handled the provisions regarding fundamental rights and minority protection. It was his desire that special safeguards for the Scheduled Castes and Tribes should be granted only for a period of ten years from the commencement of the Constitution Commenting on the role of Nehru and Patel, Dr. K. V. Rao wrote as follows:

> An American writer describing the Philadelphia Convention of 1797 compared and called Washington and Madison the "commander and the philosopher". If there were any two people to deserve those epithets in India they were Nehru and Patel, Nehru, the philosopher, and Patel, the commander. Patel was as much a realist as Nehru was an idealist, the former had as much scorn for Nehru's idealism as Nehru had for Patel's love of realism and details. They worked together and yet separately and produced this Constitution; and the Constitution bears enough testimony to the clash of idealism and realism .. Both Nehru and Patel had the final say in their respective spheres.[60]

Of course, Ambedkar was associated with Patel both in the main Advisory Committee and its special sub-committee along with Patel, Nehru, Munshi and Rajendra Prasad Ambedkar's imprint on the Constitution could, therefore, be only to the extent that the circumstances allowed him. He, time and again, pointed out that he and the Drafting Committee were not free agents to write the Constitution as they wanted it to be. This was confirmed by other members. One of the members of the Assembly stated, with his inside knowledge, that "thinking is done by the Congress Party and the Drafting Committee only drafts accordingly",[61] and Dr. Ambedkar himself confessed that "they had to go to another place to obtain a decision and come to the Assembly".[62]

While determining the role of Ambedkar and his contribution to the framing of the Constitution, it is imperative on our part to keep in mind the distinction between Ambedkar as an individual, and Ambedkar as the Chairman of the Drafting Committee. His individual capacity should be bifurcated from his official capacity as the Chairman of the Drafting Committee where he had to work under guidance of a number of other agencies and individuals. To quote Dr. Rao again on this point.

> . . Dr. Ambedkar had to bear in fact others' ideas, and nurture them, and bring them out as his own, and this he did remarkably well, "possessing legal acumen, untiring industry, consummate skill and firmness tempered with moderation"
>
> While Nehru and Patel supplied the main ideas, and Ambedkar was advocating them in the Assembly as the main spokesman, the devising of institutions, making of schemes, manoeuvring and applying pressure, and all the behind-the-scene activities, were carried on by K. M. Munshi, with the active co-operation of Alladi and Gopalaswami Ayyangar. . .[63]

The Drafting Committee, it is possible to hold, therefore, produced the Draft Constitution based on the various Reports and also the mandates given by the Constituent Assembly and the Congress Party from time to time. In this task of a technical nature Ambedkar, as Chairman, brought to bear upon the Draft his technical skill, as he was a great constitutionalist and a man of extraordinary legal acumen. In this way he participated in a greater measure than any other member of the Drafting Committee as revealed by a member himself. Mr T T. Krishnamachari revealed that owing to the continued absence of most of the members of the Committee for some reason or the other 'there was a void' in the work of the Committee. "So it happened ultimately that the burden of drafting this constitution fell on Dr. Ambedkar and I have no doubt" he said, "that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable. . ."[64] This was acknowledged by almost all members in the Constituent Assembly, including those who were critical of the provisions of the constitution. So there can be no disputing the fact that

Ambedkar had a major share in the work of drafting and could influence it to a greater extent.

In the second place, he had the unique honour and special responsibility also of moving the Draft for consideration and defending its provisions one by one at all the three stages of its consideration. He was, of course, eminently suited for this task, both on considerations of practical convenience and legal propriety, as he was the Minister for Law; and he was also the spokesman for the Drafting Committee as its Chairman. Over and above this, he had extraordinary talents as a constitutional lawyer, parliamentarian and orator. As one senior member of the Assembly said:

> ...I do not know, Sir, the terms in which I should thank the Drafting Committee, particularly words fail to convey the gratitude that all of us feel for the legal acumen, the untiring industry, the consummate skill and the firmness, tempered with moderation, with which the Chairman of the Drafting Committee has piloted this Constitution through this House and has solved all the knotty questions arising in connection with it...[65]

So the performance of Ambedkar in piloting the Draft was brilliant, though some criticised him and complained of the cavalier fashion in which he was rejecting the amendments moved by members. Sometimes it bordered on irritation to them Particularly the non-lawyer members, like Mahavir Tyagi and a number of others, complained of the 'legal twist' of the provisions in the hands of Dr Ambedkar. But the Chair always sympathised with Ambedkar in view of the fact that he was overworked. He always enjoyed that sympathy from the Chair in view of the enormous mental and physical strain to which he was subjected in the work of drafting and moving the Draft Constitution. In appreciation of the good work done by Ambedkar, the President of the Assembly, Dr Rajendra Prasad had *this tribute to pay:*

> ...Sitting in the Chair and watching the proceedings from day to day, I have realised as nobody else could have, with what zeal and devotion the members of the Drafting Committee and especially its Chairman, Dr. Ambedkar, in spite of his indifferent health, have worked. (Cheers) We could

> never make a decision which was or could be ever so right as when we put him on the Drafting Committee and made him its Chairman. He has not only justified his selection but has added lustre to the work which he has done. In this connection, it would be invidious to make any distinction as among other members of the Committee. I know they have all worked with the same zeal and devotion as its Chairman, and they deserve the thanks of the country...[66]

Dr. Ambedkar, therefore, had played a major and a significant role in the framing of our Constitution, in so far as the form and contents of the Constitution go. But the spirit and philosophy of the Constitution could not be entirely his, as has been discussed in the foregoing For instance, he could not succeed in providing for a mixed type of executive for the country. He was sceptical of the future of the Cabinet system. It is interesting to note here the comments of one of the few living members of the Committee, Shri K. M. Munshi, made on the eve of the 18th Republic Day. He is reported to have stated, when asked by the UNI News Agency to give his views on how he would frame the Constitution if he were to do it today, that he would favour Presidential system as in the United States. Mr. Munshi is reported to have said further as follows:

> Those of us who supported the British Cabinet system, to which we were accustomed, thought that it would work effectively in India; but I must confess that we have failed to evolve the two-party democratic tradition necessary to support the Cabinet system. Our democratic instincts have proved immature The Congress is falling to pieces, many Opposition parties have no constitutional outlook. The Cabinet system of Government has not been a success. The Central Executive has been wobbly. We are heading towards a situation in which either the Presidential system or military rule would become inevitable.[67]

These were exactly the reasons for which Ambedkar was not prepared to support the Cabinet system for India. But he was not allowed to have his way. He was also unable to retain the *'due process of law'*; or provide for specific economic rights. It would not be correct to call, in the circumstances,

either Ambedkar or any other single individual 'the Father of Indian Constitution'. There are so many who have had a share in its making as Ambedkar himself has acknowledged. It must be the degree and extent of participation that is to be important in determining the role played by and the contribution of Dr. Ambedkar in the framing of our Constitution at the end of a long period of political and constitutional evolution of India ushering in a Sovereign Democratic Republic. In this course of evolution he did participate effectively and did his utmost to achieve the objectives that he had placed before himself. When he was entrusted with the task of constitution-making, he became one of the chief or the principal architects of the Constitution of India, along with others, particularly the other two persons, who are entitled to be ranked as the principal architects are Pandit Jawaharlal Nehru and Sardar Patel. If Nehru provided the required idealism, Patel gave the necessary element of realism and Ambedkar worked upon them and produced a Constitution employing his intellectual abilities which were undoubtedly of a very high calibre. Few could rival him in this respect. His contribution to the framing of the Constitution of India was, therefore, substantial, significant and spectacular. His name undoubtedly goes to posterity as a revolutionary, a social reformer, a great humanist and above all an outstanding constitutionalist. There can be no disputing the fact that he was a great constitution-maker of India.

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CHAPTER

10

Dr. Ambedkar—An Estimate

THIS STUDY is an endeavour to present the basic political philosophy of Dr B. R. Ambedkar and his approach to the political and constitutional issues that faced the nation during the period of his public life of over two decades, in a comprehensive manner. This, naturally, precludes a detailed examination of his social philosophy Attention had to be focussed only on his views and activities pertaining to the political and constitutional reform in India, since the introduction of the Montague-Chelmsford Reforms. Nevertheless, a brief reference has been made to his social philosophy to the extent it is necessary and helpful for a better appreciation of his political philosophy and actions. It must also be pointed out, at the outset, that the two areas—political and constitutional—cannot be separated in an exclusive manner. The negotiations that were held at the governmental and political levels between the British and the Indians were primarily to bring about a constitutional arrangement that would permit increasing participation for Indians in

politics and administration. The British policy was one of gradual devolution of power to the Indians. The key-note of the Montague-Chelmsford Reforms was the introduction of a form of self-government, in stages. But the series of developments since then, leading to the transfer of power in 1947, indicate that Indian Nationalists were not prepared to accept the 'gradualist approach' of the British. Naturally, this period (1919-1947) could be described as the last phase of British rule and of the Indian freedom struggle as well. Many individuals and institutions played an important role in Indian Politics of the period. A number of colourful and important personalities like the moderate Phirozeshah Mehta, the gracious Gopalkrishna Gokhale, the fiery Tilak, the heroic Savarkar, the deeply religious and non-violent Mahatma Gandhi, the charismatic Jawaharlal Nehru and the volcanic Subhash Chandra Bose were among the many who gave a definite turn, at some stage or the other, to Indian Politics. A mention of these names is not, however, to the exclusion of a number of other leaders like Sardar Patel, Dr. Rajendra Prasad, Lala Lajpatray, Bhagat Singh and a host of others. In the course of about sixty years since the birth of the Indian National Congress in 1885, India moved towards freedom. It was during the latter half of this crucial period that Ambedkar emerged on the Indian political scene with a specific purpose and mission. But his name generally does not appear in the galaxy of Indian leaders, even though he was ranked as 'one of the top dozen Indians' of the period by a Western observer. This significant omission was because he was not only a born social outcaste but also had become a political outcaste as well, in view of the stand he took in the public life of the country that was not quite in conformity with the then accepted norms of participation. Still no one can deny the sincerity of purpose and dedication to the 'mission' of his life.

It was not a purposeless drift of Ambedkar from the portals of great centres of learning of the West, like the Columbia University, the London School and the Gray's Inn when he decided to remain an independent man, free to work out his own way in defence of the sixty million of his unfortunate brethren—the Untouchables of India. It is pointed out in the earlier parts of this study that he was determined to emanci-

pate these social pariahs, come what may, by utilising every opportunity that came his way. Could he not have done this by just attending to their social, educational and economic upliftment by himself, remaining an educationist and a social worker and reformer living amidst them and setting them an example on the lines of Booker T. Washington of Tuskegee, U. S A ? This was, of course, one of the possible directions in which he could have moved. Such an approach was also necessary as a first step. But the formidable size of the *Harijan* population and the enormity of its problems would not just permit such an approach alone. It could only set the ball in motion, preparing the ground for further and greater type of activity to achieve their emancipation. The need of the hour was to accelerate the process and the struggle had to be launched on different fronts In the second place, the problem of the Untouchables was a deeply entrenched one. It had a religious sanction behind it. The practice was recognised by the Hindu *Shastras* and scriptures, so much so to the Caste-Hindu mind there was nothing unusual or obnoxious about it. Untouchability was observed and practised by the Hindus as a natural ingredient of their religion. It was this extraordinary character of the practice of Untouchability, about which Ambedkar was pre-occupied and worried As a keen thinker and scholar and a devoted student of Sociology and Anthropology, this problem naturally engaged his attention while he was in Columbia University, when he wrote a short but an interesting paper on "Castes in India—Their Mechanism, Genesis and Development" [1] He had realised that the institution of Caste was fraught with 'tremendous consequences' as it chopped off 'the population into fixed and definite units, each one prevented from fusing into another through the custom of endogamy' He had categorically stated that the priestly classes among the Hindus "were the originators of this 'unnatural institution' founded and maintained through unnatural means".[2] So religion was pressed into use for the purpose of upholding and preserving this reprehensible and inhuman practice. It was nothing short of polluting religion. When Ambedkar could prove this after a thorough and scientific study, he also, in the course of his subsequent studies[3] maintained that Untouchability had a religious sanction which led to its perpetuation. If it were just a social

aberration, it would not have survived and grown in its intensity for over fifteen hundred years and even into the twentieth century—the age of liberalism! Social customs and practices cannot be immutable, as they undergo changes under the relentless stress of changing conditions from time to time. By attempting to explain the origin of this social evil in a scientific way, Ambedkar pointed out that it could be eradicated once it was realised that it had, after all, the religious sanction. Once that sanction is weakened, and people banish from their minds the so-called religious element in it, it becomes easier to eradicate Untouchability. Such is the significance and value of his study and thoughts on the origin of Untouchability. He set the problem in a different and more scientific perspective. It is because of this religious entrenchment that he wanted to press into use no other agency than the State itself. The State, he thought and rightly so, could be useful for the purpose, only if and when it is constituted on the modern principle of 'secularism'. So long as the British continued to rule India, he thought, it would not be possible to establish a 'Secular India'. He also knew fully well that the official policy of the British was to interfere as little as possible with the social and religious life of the Indians. So, as Brailsford remarked, the result was 'unquestionably to stereotype the past in a land that never has discarded it with ease'. Ambedkar rightly thought that only in a *Swaraj* Constitution it could be achieved, which could at best be a long-range objective. In the meantime, he thought, the British Government could be persuaded to provide for some special political safeguards to the weaker sections of the country so that they could get into political power. It was his firm conviction that only by participating in the political power, the Untouchables could hope for their redemption by utilising the machinery of the State. That is why he decided to adopt a wider strategy and was forced to enter politics with this lofty objective, and not for personal advancement or to gratify his careerist ambitions. This was made amply clear by him, time and again, in countless number of Memoranda he submitted to various Commissions and Agencies such as the Indian Statutory Commission, the Round Table Conferences, the Lothian Commission, the Cripps Mission, the Cabinet Mission and the Constituent Assembly of India. It was because he was

fully convinced of this possibility, and not just out of person embitterment—though such a thing was understandable—th he was determined to fight the evil of untouchability on a possible fronts and eradicate it root and branch. This was th mission of his life. He launched the struggle in order to fulf this mission The struggle had also a philosophical justificatio in the right of his people for justice, equality, fraternity an fair play Thus he entered the fray by regarding the woes c his people as his personal humiliations and, therefore, he ha a vow to make self-respecting citizens out of those virtual slaves In this battle for recognition he avoided, as far as possibl an open encounter with the British Government, as a part c his strategy However, this had the disadvantage of alienatin him from the nationalist sections, though his co-operation wit the British was not to conflict with his national fervour an patriotism.

He was once again accused of being a tool in the hands of the British who were desperately searching out for men and agencies, whose claims could be used as counterpoises to Indian nationalism and the freedom struggle. Such accusations made him more embittered and his revolt against the Hindu society became all the more volcanic. This could be attributed largely to the environmental factors, besides those of his early life and also the influence of Edmund Burke, Booker T. Washington, Thomas Jefferson, the American Declaration of Independence and the Constitution of the U.S.A. It must, however, be noted that he was not maliciously bitter, but was only looking out for the deeper causes of the evil practice of untouchability for eradicating it totally. Hence, he was in total engagement throughout his life with this social phenomena, as a humanist who, essentially and charitably, looked for what made true humanity. This could not be the case, had he narrowed himself by his embittered attitude to merely castigate the caste-system and its unseemly side, though he exposed the enormity of injustice meted out to a large section of the Hindu society. In this task he had to denigrate the Hindu faith itself and declare the approach made by the Indian National Congress under the guidance of Gandhiji as utterly inadequate, ill-advised and unrealistic. So Ambedkar emerged on the political scene of India as a social revolutionary, who used political

means for emancipating the Untouchables. He was opposed to the spiritual appeal and an appeal to the good sense of the people. He was convinced that a spiritual appeal without appropriate action geared by political power and sanction would stand little chance of survival. He endeavoured to get recognition for the claims of the Untouchables to be treated as a political minority so that they could get safeguards in any constitutional arrangement. Otherwise, it would not be possible at all for them to participate in the political power of the country. Since the 'police power' of the State was not available for their protection, the only way open to them, he argued, was to get adequate protection by way of special safeguards. That is the only means for them to rise, having fallen for centuries. On the same count, he exhorted his people to make use of every opportunity to get into positions of importance in the government. He himself did not let go such opportunities of holding high offices as the Member of the Viceroy's Executive Council and as a Minister in Mr. Nehru's Cabinet. He was motivated solely by the lofty ideals which he was constantly upholding. He had also realised that he could achieve more by remaining within rather than without the Government. There was no point in decrying this political purposiveness of his It was neither political chicanery nor careerist opportunism that we see in him. His acceptance of office did not mean straying away from the dedicated cause.

By insisting on the type of approach he had envisaged, Ambedkar believed that he would be not only discharging his duty towards his people, but would be rendering a profound service to the nation as a whole. Ambedkar, indeed, served the nation in this capacity as a social reformer and politician who also combined in him the qualities of a visionary and a humanist. Hence his contribution cannot be restricted to that of his leadership of a minority section of the Hindu society only, but should be acknowledged at the national plane itself. He styled himself as a 'rebel' who dared to argue in the face of the 'pontiff', if need be, to vindicate the just claims of his brethren. Ambedkar, therefore, became an indefatigable champion of the cause of the Untouchable, and he strove to clean up the augean stables of Indian politics by espousing this cause.

The true image and stature of the man emerges fully when

viewed properly against the backdrop of the Indian political scene of his day. The political scene of the country during the period in question has already been explained. It had not yet assumed a definite pattern On the other hand, it was steeped in parochialistic and feudalistic notions and was not conducive to the development of true nationalism at all. The freedom struggle was, no doubt, the obvious expression of Indian nationalism. For nationalism to become a collective expression of a pluralistic society the only rallying point was the resentment against an alien regime. But that would not serve as a strong and enduring focal point of unity. Once the British quit India the divisive forces of the Indian society raised their ugly heads in the form of linguism, casteism, regionalism and what not In a situation like this, only a person of Ambedkar's vision and learning could insist on going to the very root of these evils and call for remedies which were not just half-measures The Congress was, on the other hand, so deeply involved in the freedom struggle that its leadership could not see beyond the sole objective of making the British quit India. It was the belief of Mahatma Gandhi and others that once the British leave India, all the so-called maladies would disappear, which was, needless to say, a wrong assessment of the situation It was something like dealing with mere symptoms rather than the true malady itself that lay deep down in the social and political fabric of India. Hence, Ambedkar's task was to apply incisive politics in order to expose the trouble spot and thus help healing this gaping wound Politics to Ambedkar, naturally, became a mission rather than a ladder for personal gain and ambition His politics was essentially the politics of principles and not of pragmatism While championing the cause of the Untouchables he put the entire problem in the wider perspective of nationalism, democracy, humanity and justice Thereby, he vitalised the national life of India that had suffered from traditionalism and parochialism which are the natural enemies of democracy. To Ambedkar, democracy meant something more than a mere frame of political society To be complete, it should encompass social and economic organization of a particular order that would strengthen political liberty Commenting on this problem, Ambedkar said, "A Democratic form of Government presupposes a Democratic form of Society The formal

framework of Democracy is of no value and would indeed be a misfit if there were not social democracy. The politicals never realized that Democracy was not a form of government: it was essentially a from of society".[4] He further maintained that for democracy to be successful there are two essentials: "The first is an attitude of the mind, an attitude of respect and equality towards their fellows. The second is a social organization free from rigid social barriers. Democracy is incompatible and inconsistent with isolation and exclusiveness, resulting in the distinction between the privileged and unprivileged."[5] Through his unremitting onslaught on such politics, he sought to liberate Indian politics from such crippling outlook and insisted on introducing true catholicity. This was a positive ingredient in his approach to the problem of Untouchables from the national point of view. Democracy for India would be meaningless without such a catholicity of outlook. He had rightly laid his finger on the very character of Indian society in which politics was nothing but 'theology in action'. Unless that was cast off and the society was secularised, representative government could not function at all. So long as this theological character of the society was preserved, the Depressed Classes needed to be protected by special safeguards.

Dr. Ambedkar's contention was that Muslims, as a minority, grew from strength to strength because of the protection under the system of separate electorates. The Untouchables, though forming a part of the Hindu religion, should also be accorded such a special protection as given to the Muslims in view of the severe social, economic and political disabilities they had undergone. But it was strongly opposed by Gandhiji as, according to him, special electoral protection to the Depressed Classes would mean driving a deep wedge between the Hindu religion and society. If it is accepted, it would be suicidal for the Hindus. In other words, the Mahatma was for the upliftment of the Harijans within the framework of the Hindu religion, and the caste sections should strive for it. But Ambedkar held that the emancipation and elevation of the Untouchables was a matter of right, upheld by law and statute and not through derivative concessions. The Gandhian approach to this problem was, therefore, conservative, sentimental and limited; whereas Ambedkar's approach was radical, realistic and emancipative.

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The difference between the two approaches is significant when we see the problem in the democratic set-up of independent India. The late Prime Minister Nehru had envisaged the socialistic pattern of society for independent India. The socialistic pattern of society, cannot be confined to the economic aspect alone. Economic reform is, no doubt, indispensable. Ambedkar had made it amply clear, even as early as 1936, that political *and economic reform should be preceded by a reform in the* social order. A just social order cannot be built on a defective base like the unreformed traditional Hindu society—full of inequalities and other undemocratic features Ambedkar wrote that the socialist state of India cannot be built without grappling with the problem of social reform which was fundamental and inescapable. So, his approach to the problem was more scientific and comprehensive than that of any other thinker and reformer of the period, except perhaps Mr. Nehru, who was very much alive to this reality. He was never tired of castigating 'casteism' in India Ambedkar sounded a prophet when he said in 1936 that only a secular India in which the death-knell of 'casteism' is sounded that can be fit for a socialistic pattern, based on equality and justice.[6] It is redeeming to note that destiny chose him to write the new Constitution of India Secularism is one of his precious contributions in the political and constitutional evolution of India.

It is already pointed out in the course of the foregoing as to what extent Ambedkar drew from history, Constitutions and political life of the Western nations and applied them to our own problems with a view to avoiding their mistakes and to building a more useful and enduring social order. It is on the basis of such experiences of other countries, though the problems in India had their own peculiarities, that he demanded a just and humane treatment of the minorities in India by providing them equal opportunities with others in the political, social and economic spheres. Otherwise, he had warned, there would be the natural tendency towards disintegration. His views, for example, on the safeguards for the religious and linguistic minorities in India were realistic. He had demanded in his earlier Memoranda that the Depressed Classes should participate in general constituencies with reserved seats. Later on, at the Round Table Conferences, he demanded separate electo-

rates as given to other religious minorities. But he had to agree to joint electorates in order to save Gandhiji's life. He was a votary of separate electorates for minorities till such time as they could catch up with others. He provided a scientific criteria for determining the minority position of a group It is not religious affinity alone that should matter. The degree of social, political and economic disability that a group suffers, should constitute the basis for according special protection, no matter to what religious or racial group they belong. He insisted upon the need for a change in the basic outlook of the majorities towards the minorities. The majority group should not ill-treat the minorities. The minorities should be made to feel a sense of security so that some day in the course of their evolution they would be able to cast off their minority mark and feel they had no particular disability The position and attitude of the Parsis who constitute, perhaps, the smallest group among the minorities in India, is a case in point. They have never complained of any injustice, nor have they ever clamoured for special safeguards, either before or after Independence It is mainly due to the fact that no Indian ever had any social inhibitions about a Parsi, nor was he ostracised for his religious faith. The Parsis have been well-off educationally, socially, economically and they have played a vital role in the field of business, education and politics. So it is not the religious, racial nor even the numerical position that should matter in this respect. It is the social and other disabilities that a people have suffered for generations that should constitute the basis for special protections and safeguards, according to Ambedkar. He laid special emphasis on this problem in his works such as *States and Minorities, Thoughts on Linguistic States* etc.

Having called attention to the need for secularising Indian society and politics, Ambedkar also worked out the details of a safe-polity for minorities He envisaged a new social and political organization based more on what he called the 'ground plan' of the society, than merely in the form of speculative observations. According to this 'ground plan' the Depressed Classes were entitled to special protections more than any other religious minority in the country. He maintained that all minorities in general, and the Scheduled Castes in particular, should be protected under special safeguards provided for in the Con-

stitution itself. He was opposed to the principle of nomination which would emasculate a people. He wanted representation through election only, as it was 'not only correct in principle from the standpoint of responsible government, but is also necessary in practice from the standpoint of political education which cannot be secured well otherwise than by the exercise of the vote'. That is why he provided for democratic elections at every level and upheld the principle of universal adult suffrage to one and all irrespective of caste, creed or sex. The weaker sections like the Scheduled Castes would require additional weightage by way of reservation of seats etc., not for ever, but till such time as they reached a particular position of strength. It was because of these views he held that he had declared that minorities could not consent to any self-governing Constitutional arrangement for India unless their demands were met in a reasonable manner. But this was misconstrued as an anti-national, unpatriotic and obstructionist pronouncement, which was quite understandable in the circumstances prevailing at that time. Nevertheless, Ambedkar sincerely pursued the cause and did not rest until he wrote it in the new Constitution of India

It is necessary, at this stage, to refer to some of his observations in the post-Independence period, during which time the minority problem assumed new facets. The clamour for reorganising States on linguistic lines was there, as we know, for quite some time, even during the British rule Ambedkar was opposed, in the beginning, to such a reorganization He had anticipated that the creation of linguistic states in India would add to the minority problem in every State in a new form At the same time, he agreed that unilingual States would be necessary for the development of a free and democratic life His suggestion, therefore, was to have more than one State for a particular language, and given wise statesmanship the inherent dangers of a unilingual State could be overcome In other words, he had pleaded for smaller states nearly well-balanced in size, population and economic viability. He rightly anticipated the possible tendency towards 'balkanization' between the North and the South, and the predominance of unduly large states like Uttar Pradesh in the public life of the country. His suggestions to have balanced states, a second capital for India etc, would

have brought about real national integration in the country. It would have also removed the edge of communalism and linguism. The malady of present-day India is parochialism which is eating into the very vitals of national life. Ambedkar's suggestions, if adopted betimes, would have gone a long way in accomplishing national integration by bringing about the needed emotional integration. The developments since the reorganization of States in the year 1956 substantiate the apprehensions expressed by him in this respect.

Ambedkar's views on the minority problem are further examined in his *magnum opus—Thoughts on Pakistan* or *Pakistan* or *the Partition of India* He showed, by his extensive and scientific study of the problem of minorities in Europe, that unless there is a tradition of a treatment of understanding and fellow-feeling by the majorities towards the minorities, there cannot be national integration. It leads to the disintegration and disruption of national life, which may not be in the best interests of either the majority or the minority group. His contribution in the course of this work, which he brought out at a great psychological moment in the country's political evolution lies, not in the propagation of the Pakistan idea, but in his presentation of Indian history and politics in their communal aspects. By posing and answering all the probable questions, both for and against the Pakistan scheme, he helped public opinion to be formed on the basis of correct information. This was an intellectual service of no small measure that he rendered by providing the much-needed food for thought on this problem. It was pointed out by him that Pakistan had become a political necessity, if not anything else. To any objective reader of his book on Pakistan one thing would be quite obvious: at every stage he has pointed out that there is no point in blaming the Muslim League alone for this startling demand There were others who were also equally or even more responsible for creating a situation in which such a demand was natural. The policies of the Indian National Congress from time to time, and the attitude of the leaders who really mattered, could not be overlooked. The Hindu Mahasabha by propagating the methods of '*Shuddhi*' and '*Sanghatan*' strengthened the Muslim apprehensions. So they were also equally responsible for the situation. If only the Hindus had acted with understanding, the Pakistan

scheme would have been at least weakened, though not completely negatived. It may not be too much to claim for Ambedkar that such of the leaders, that were important in this context, were helped by his presentation of the problem to find a philosophical and political justification to accept partition without further oscillations. Ambedkar was not content with just stating this unpleasant truth He had also foreseen the possible dangers of conceding Pakistan in the form and shape it was demanded by the Muslim League. He insisted that the State so composed should be an ethnically homogeneous one, if it is to achieve the purpose underlying its creation To this end he had suggested territorial demarcation of boundaries wherever possible; and actual shifting of population wherever necessary Though the idea was scoffed at when it was suggested, yet no one could deny later that Ambedkar was, after all, right. The book and the thoughts contained therein, are indeed a valuable addition to the art of scientific propagation and to the political thought of India. As a review of the book stated: it " . is an epitome of the political and social history of India during the last twenty years—the most fateful in the annals of the country since the Mutiny"[7] No doubt, he rendered an invaluable intellectual service to the nation at a very critical period in the political and constitutional evolution of India in presenting the issue of Pakistan to the public in a dispassionate and scientific way

Constitution-Making

It is pointed out already that after a period of partial eclipse and political set-back on the eve of transfer of power to Indian hands, Dr. Ambedkar was to emerge as a great constitution-maker of our times by entering the Constituent Assembly of India. His membership of the Assembly opened up a vast field for putting his talents at the disposal of the nation. At the same time, he also joined Mr. Nehru's Cabinet as Minister for Law. Despite the ill-will that was generated between himself and the Congress leadership, he was invited by Mr. Nehru, who was magnanimous and sportive enough to recognise the merits in a man and to utilise them in the best interests of the nation. At no other time the services of a man of Dr. Ambedkar's talents and abilities were needed than at the time

mental objectives and important provisions regarding the right to property. As he himself revealed later, in a speech at Ramadaspur on October 27, 1951, the ten-year period for special safeguards to the Scheduled Castes, was accepted at the instance of Sardar Patel. Ambedkar said. "The reservation of seats for Scheduled Castes is for 10 years only. I wanted that this reservation should remain for such time as untouchability is there but the Congress leader, late Sardar Vallabhbhai Patel opposed me So the other persons who were there in the Committee also had to support Sardar because they belonged to his party. Therefore, we should try to send our true representatives to the Assemblies so that they may safeguard our rights and also try to secure this reservation after 10 years...."[8]

The Drafting Committee had also to follow and adopt the provisions of the Government of India Act, 1935 as directed by the Constituent Assembly Referring to this Dr. Ambedkar said: "The Drafting Committee was in effect charged with the duty of preparing a Constitution in accordance with the decisions of the Constituent Assembly on the reports made by the various Committees appointed by it . The Constituent Assembly had also directed that in certain matters the provisions contained in the Government of India Act, 1935, should be followed. ."[9] So the Draft had to be finalised taking into consideration all these factors and the mandates. Thus the Constitution has come to be 'a formidable document' in itself with as many as 395 Articles and 8 Schedules The task of the Committee was of a technical nature and its Chairman, Dr. Ambedkar brought to bear upon it his legal skill and constitutional knowledge. In this way he participated in the work of constitution-making in a large measure.

While considering Ambedkar's contribution to constitution-making, we have to take note of his two different capacities, i.e., as a champion of the Untouchables; and as a constitutional expert. Further, his role as a politician should be bifurcated from that of the constitutional expert. He, no doubt, borrowed substantially from the constitutional life and experience of different countries, particularly from the Constitution of the U.S.A., for writing the Indian Constitution Ambedkar himself testified to this effect. There were criticisms voiced in and outside the Assembly "that there is nothing new in the Draft

Constitution, that about half of it has been copied from the Government of India Act of 1935 and that the rest of it has been borrowed from the Constitutions of other countries. Very little of it can claim originality".[10] Dr. Ambedkar was not interested in concealing this truth and in fact, accepted it, and gave justification for looking to other constitutions for guidance. He said:

> One likes to ask whether there can be anything new in a Constitution framed at this hour in the history of the world. More than a hundred years have rolled over when the first written Constitution was drafted (the Constitution of the U.S.A). It has been followed by many countries reducing their Constitutions to writing What the scope of a Constitution should be has long been settled. Similarly what are the fundamentals of a Constitution are recognised all over the world Given these facts, all Constitutions in their main provisions must look similar. The only new things, if there can be any, in a Constitution framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country.[11]

The ingenuity of the maker lay in adopting the provisions of other constitutions in such a way as to make them serve adequately the needs of a particular society Dr. Ambedkar's contribution in the making of the Constitution is, therefore, to be recognised and the claim for him that he was a principal architect of our Constitution should be conceded ungrudgingly. He did not copy the constitutions of other countries blindly, and he refuted the criticism in these words:

> ...The charge of producing a blind copy of the Constitutions of other countries is based, I am sure, on an inadequate study of the Constitution. I have shown what is new in the Draft Constitution and I am sure that those who have studied other Constitutions and who are prepared to consider the matter dispassionately will agree that the Drafting Committee in performing its duty has not been guilty of such blind and slavish imitation as it is represented to be ..[12]

One could understand the need and usefulness in looking to the democratic constitutions abroad. But, could there be any justification for adopting the provisions of the British-

imposed Constitution of 1935, which was subjected to scathing criticisms by not only the Congress leadership but by several other agencies and individuals? It did not have any democratic value. On the other hand, there were a number of anti-democratic, feudalistic and pernicious clauses like Section 93 of the Act It was but natural that members and observers outside expressed their surprise on this point Ambedkar had this to say in reply

> As to the accusation that the Draft Constitution has produced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism .. What I am sorry about is that the provisions taken from the Government of India Act, 1935, relate mostly to the details of administration. I agree that administrative details should have no place in the Constitution. I wish very much that the Drafting Committee could see its way to avoid their inclusion in the Constitution. But this is to be said on the necessity which justifies their inclusion .[13]

He gave the justification for the inclusion of administrative details by referring to the concept of 'Constitutional morality', as it was expounded by the Greek historian Grote. Ambedkar explained Grote's concept of constitutional morality to mean: "a paramount reverence for the forms of the Constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts combined too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of his opponents than in his own".[14]

It is to generate such a spirit that there should be a close relationship between the form of administration and the form of constitution Moreover, by changing the form of administration without touching the form of the constitution, a constitution can be perverted in course of time, if the form of administration is not made a part of the fundamental law. Only where constitutional morality is diffused, as it should be, one can afford to leave the form of administration outside the scope

of the Constitution. But where constitutional morality is not developed, as in India, details had to be worked out in the constitution itself to prevent any attempt at perverting the constitution itself by the Legislatures To those who have carefully followed the tone and point of emphasis throughout his speeches in the Assembly, it would be obvious that Ambedkar was rightly conscious of the absence of constitutional morality among Indians. He had realised that the people were yet to develop it. And to save them from the inevitable consequences of such a situation, he thought it necessary to work out the form of administration in the new Constitution He believed:

> .. it is only where people are saturated with constitutional morality .. that one can take the risk of omitting from the Constitution details of administration and leaving it for the Legislature to prescribe them. The question is, can we presume such a diffusion of constitutional morality? Constitutional morality is not a natural sentiment. It has to be cultivated We must realize that our people have yet to learn it. Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic .. it is wiser not to trust the Legislature to prescribe the forms of administration. This is the justification for incorporating them in the Constitution [15]

In this task there could not obviously be a sudden break in the administrative set-up of the country, that was shaped by the British in the course of a number of constitutional reforms including the one in the Constitution of 1935. So, to that extent, the provisions of the Act of 1935 had to be taken note of, though not their undemocratic spirit.

Ambedkar was constantly emphasizing this problem of constitutional morality in India if the benefits of a democratic constitution are to accrue to them The misgivings he had expressed in this connection were not born out of scepticism or of suspicion. He argued that mere political freedom is not an end in itself. Unless the people develop the required sense of constitutional morality, political freedom would be meaningless. He was right, after all, in expressing his misgivings, for we see today in the life of the country not only the absence of constitutional morality, but an open defiance of accepted norms of behaviour and too frequent a resort to unconstitutional

means to press certain demands It is because we have not yet discarded the Gandhian techniques of fighting a government, *which were developed under particular circumstances* and that too against an alien government. They cannot obviously be used against self-government when definite constitutional means are open. Nevertheless, the cult of violence that is rampant on the Indian scene today may be attributed to the phenomenon, known as "the revolution of rising expectations". It is not surprising, therefore, that the notion of constitutional morality was stressed by Ambedkar so frequently. Unless this tendency is checked, it may constitute a grave threat to the very unity of the nation. Ambedkar, it must be said to his credit, anticipated in a very precise manner, the shape of things to come and warned that the Constitution could not be an end in itself. It has to be used judiciously for achieving the ideal of justice to one and all. Otherwise the Constitution as such would lose its value and utility. We would do well to recall *here Ambedkar's observations in the Constituent* Assembly, drawing attention to this problem He had said that ". where constitutional methods are open there can be no justification for these unconstitutional methods. These methods are nothing but the Grammar of Anarchy and sooner they are abandoned the better for us"[16] The anarchy that might follow would not only be dangerous to the weaker sections but would disrupt the very life of the entire nation. Equality, Justice and Freedom would be the inevitable casualties under such conditions. Very few leaders realise today the grave implications of violating constitutional morality.

The contribution of Ambedkar in the framing of the Constitution itself has been discussed already. It was pointed out that in the making of a Constitution no single individual, or agency could be looked upon in isolation It is an enormous task in which several individuals and forces exert their pressure and influence As Chairman of the Drafting Committee, Dr. Ambedkar had greater scope than any other individual for shaping the Constitution. But it should be realised that it was a constitution written and finalised by adopting the most democratic method of open deliberation It had to be adopted through a clause by clause consideration in the Assembly with modifications that were acceptable to the majority as such. The views

of other members of the Drafting Committee were also to be respected. Besides, the Constituent Assembly and its various Committees supplied the basic frame and philosophy for the Constitution. There were towering personalities, who had emerged successful in the freedom struggle and were held in high esteem by the nation, like Gandhiji, Nehru, Patel and a number of others. The influence of these people and the organization to which they belonged played a dominant and significant role. The task of the Drafting Committee was to give the required shape to the Constitution. So it produced a Constitution, a formidable document indeed, incorporating the ideas and directives that emanated from different individuals and agencies. Ambedkar's contribution lay in so far as he expressed the ideas and directives in a coherent fashion using his unsurpassed constitutional skill and legal acumen. The constitution would not have been so explicit and clear as it is today, but for his skill and industry.

There was also another aspect, an equally important one, of constitution-making with which Ambedkar was directly concerned. He had the unique privilege of moving the Draft Constitution in the Constituent Assembly for consideration He had to explain every clause of the Draft and reply to the criticisms from the members. It is in this work of his that we have an opportunity to understand his basic political and constitutional ideas. Of course, in certain important respects he had to defend provisions which he would not have supported otherwise. While doing so, he was only carrying out the wishes of the other participants in the task. There was nothing wrong in his doing it as it was not to be an imposed constitution but a democratically adopted one. But one cannot fail to notice in him a certain degree of emphatic assertion which evoked even resentment from certain sections of the Assembly. Very often he commended in almost a dogmatic way several provisions So much so, the House had no alternative but to accept them The same could be said of the House also, in which case Ambedkar used to bow gracefully to its wishes. Even then, it should be said to his credit, he discharged his duties in a remarkably elegant and able manner Despite the fact that he was not a free agent in writing the constitution, it should be conceded ungrudgingly and without reservations, that he did

play an important role in the writing and adopting of the Constitution. His contribution in the field is of a greater degree and quality compared to others. There are many who are entitled to credit. While conceding it to them, we are to determine the degree of credit also. Many were the architects and masons who hammered out and worked upon this edifice of the Constitution. This formidable edifice that established a democratic machinery, could not be the handiwork of one man. So, while we acknowledge gratefully the services of all the participants, we have to single out Ambedkar for the honour and credit of being the principal architect of the Constitution of India, whose contribution is substantial, significant and *spectacular. He is remembered as not only a great social re*former, a patriot, a vigorous champion of justice and freedom, but much more as a great constitution-maker that the nation could produce.

The 'Mission' Fulfilled?

It would be appropriate to make a brief reference to the 'Mission' of his life with a view to finding out whether it was accomplished to his satisfaction. We know that Ambedkar was a man with a 'mission' in his life and that was the eradication of untouchability and securing political, economic and social justice through appropriate political action. In other words, it was a comprehensive objective of 'man-making'. He bargained with the British for adequate constitutional safeguards in the form of separate electorates But he had to accept a qualified system of joint electorates as a result of a resort to a fast unto death by Gandhiji. Once India was free, and there was *to be a Swaraj Constitution, he had thought, at long last his* people could be emancipated in the true sense of the term. He had entered the Constituent Assembly with the sole purpose of achieving it, and he naturally grew optimistic when he was put on the Drafting Committee, and that too as its Chairman. With such an opportunity of an intimate and direct association with the work of constitution-making, he had longed to see that the Untouchables would be able to cast off their centuries-old blemish and join the stream of national life as a strong tributary and produce a vigorous Indian nationalism. But as the Constitution finally emerged, he came to realise that,

after all, it was not possible to achieve the objective fully. He sadly realised that a political arrangement and solution devoid of economic and social content was not going to bring his excluded community anywhere nearer the goal he had envisaged. He was very much saddened and became a disillusioned man in the years immediately after the Constitution of India came into force in January 1950.

He made yet another desperate bid to bring about certain fundamental changes in the Hindu Law with a view to making it more modern and democratic. He took great interest in introducing the highly controversial legislative measure, the Hindu Code Bill Of course, the proposal to codify the Hindu Law was there even before Independence and a Committee under the Chairmanship of Sir B. N. Rau was constituted in 1941 itself, to make proposals for reform. When Ambedkar became the Minister for Law, he had, naturally, to take the matter into his hands and he incorporated in the Bill certain fundamental changes in those parts relating to joint family and women's right to property, which were not relished by the reactionary sections.

The chief objective of the proposed Bill was to codify and modify certain branches of the Hindu Law. Ambedkar thought there was nothing retrograde in the measure. It was neither radical nor revolutionary, he argued. He said that the Bill, while according sanction to modern ways of progress, did not oppose orthodox practices completely. He had proposed the legalising of intercaste marriages, forbidding polygamy among the Hindus and setting up, among other things, a system of divorce. To Ambedkar it was the right step and was perfectly within the scope of the Directive laid down in Article 44 of the Constitution: "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." But those who were suspicious of the proposed changes raised the bogey of 'Hinduism in danger', and the fight was on. Ambedkar argued that the Bill was drafted on the basis of Hindu *Shastras* and *Smritis*. He cited Kautilya, *Parashara Smriti* and *Brihaspati Smriti* in support of the divorce and women's property clauses. But one cannot deny the fact that he wanted to utilise this opportunity to change the basic framework of the Hindu society itself and democratise it. He worked once again very

hard and marshalled the documental support to justify the changes he had proposed. The stage was thus set for the introduction of the Bill in the Parliament.

It was introduced on February 5, 1951 and after a three-day debate it was postponed to the next Session that was to meet in September, 1951. Ambedkar, by this time, was realising the intensity of opposition to his Hindu Code Bill, both from within and from without the ruling party. He did give expression to this feeling and earned the *wrath of top Congress leaders* But he was still hoping to pilot the Bill before the General Elections, as Mr. Nehru had expressed himself in favour of Ambedkar's Hindu Code Bill. He had continued in the Cabinet only with this desire and wrote about it to the Prime Minister. After protracted discussions in the Congress parliamentary party it was decided to take up only one part of the Bill on Marriage and Divorce. The Parliament House had to be put under heavy security arrangements on that day But in the course of the Debate the opinions expressed were so divergent that there was nothing but confusion and the Prime Minister let down Ambedkar hopelessly when he advised Ambedkar to drop the Bill! The Bill was thus let down and, as Ambedkar put it, the Bill had "died unwept and unsung after four clauses of it were passed".[17] A Bill which, it was hoped, would provide 'poetic justice', was thus completely mutilated to the utter disappointment of its sponsor. Mr. Justice Gajendragadkar had hoped·

> The Hon'ble Dr Ambedkar has played an important role in the progress of this Bill [illegible] fore the Parliament he has [illegible] suade the Legislature to s[illegible] If... Dr. Ambedkar is abl[illegible] the stages and to give it th[illegible] Book, I for one would hail it as Time's sweet revenge on the Hindu society as a whole. If Dr. Ambedkar gives us *Hindus our Code, his achievement would go down in history* as a very eloquent piece of poetic justice indeed![18]

But this was not possible and Ambedkar's hopes were shattered to pieces There was no other alternative for him than to relinquish his post of the Law Member in the Central Cabinet and return to the Opposition.

He sent in his letter of resignation to the Prime Minister on September 27, 1951, and explained in a separate statement to the Press the reasons for his resignation. He was not even allowed to make a Statement to the Parliament as the Chair insisted on 'precensoring' his Statement which stung Ambedkar bitterly. He walked out in protest saying that he was no longer 'the Hon'ble Minister'. In his statement he expresed his disagreement with Mr. Nehru's Kashmir policy and the foreign policy in general. Secondly, he was deeply dissatisfied with the treatment accorded to the backward classes and scheduled castes, who, he declared, were suffering from "the same old tyranny, the same old oppression, and the same old discrimination which existed before".[19] The Scheduled Castes were almost excluded from the Government service. The most important development that had led him to resign, was the handling of the Hindu Code Bill by the Cabinet and the Parliament. He said "to leave inequality between class and class, between sex and sex, which is the soul of Hindu society, untouched and to go on passing legislation relating to economic problems is to make a farce of our Constitution".[20] Though the Cabinet had unanimously decided that the whole Bill should be put through in the then Parliament, Mr. Nehru had later suggested that, as there might not be sufficient time for the passage of the Bill as a whole, its marriage and divorce clauses should be passed separately. Subsequently after two or three days' discussion of the Bill in Parliament, it was proposed that even these clauses should be dropped, perhaps, in view of the forthcoming First General Elections in the country. Though Mr. Nehru was long convinced of the necessity of the Hindu Code Bill and had been anxious that it should be passed, he came out with a suggestion to drop the Bill. This decision shocked and disillusioned Ambedkar completely.

Dr. Ambedkar, it is reported, was keen on assuming the stewardship of the Planning Commission of India and an assurance to this effect was given by Mr. Nehru Ambedkar had continued in the Cabinet hoping to get into the Planning Commission. This was also another reason for Ambedkar's resignation.[21]

The decision to renounce the Ministership was followed by his crucial decision to renounce his 'faith' in Hinduism. He made

a frantic search for a satisfying 'faith' either in Buddhism, or Christianity, or Islam or Sikhism. Each one of the different religious groups in the country started wooing Ambedkar to adopt their own religion along with his followers. Ambedkar visited Nepal and Ceylon and toured throughout India in search of a new 'faith' for himself and his followers. Finally, he decided to embrace Buddhism along with his followers. He looked upon Buddhism as a religion of equality. This element of equality, tolerance and rationality in that religion particularly impressed him and he administered accordingly the oath to his 75,000 followers at a special ceremony at Nagpur on October 14, 1956 Addressing his followers on that occasion Ambedkar had explained the reasons for his crucial decision He 'was discarding the Hindu religion as it looked down upon men of his caste and treated them with discrimination. He would no longer venerate the Hindu gods nor perform any religious poojas', he said. He further told them. "By discarding the ancient religion, which stood for inequality and oppression, today I am reborn. I have no faith in the philosophy of incarnation and it is wrong and mischievous to say that the Buddha was an incarnation of Vishnu"[22]

cluding Dr. Ambedkar himself are as follows. According to Carlyle and Rosebery, the ingredients of a great man are: genuine sincerity of purpose, and an 'indefinable spark' which may be called 'genius'. Rosebery further stated that a man to be called great should be one who 'stands for natural power, for predominance, *for something human beyond humanity*'. (italics added.) To these qualities Ambedkar suggested a modified criterion He thought, apart from sincerity a great man should also have intellect, whose combination alone would entitle a man to this appellation. Further, one who is sincere and at the same time a genius should also be "motivated by the dynamics of a social purpose and must act as the scourge and scavenger of society".[24] By these very tests and standards Dr. Ambedkar was fully qualified, in his own right, to be called 'a truly great man'. His life, as we know, was a saga of a heroic fight for establishing basic human values in society. In this capacity of a humanist he was intensely human—even 'beyond humanity'. As regards the other tests of intellect and sincerity, he was gifted with great erudition and scholarship which were the outcome of a great mind and robust intellect. As far as sincerity of purpose went, even his avowed enemies could not question it He was a great man indeed by all standards

In conclusion, it may be said that the life and work of this great man, whose emergence on the Indian political scene marks 'one of the most turbulent careers in Indian politics'. According to one writer "Doctor Ambedkar threw his thunderbolts into every camp...He was hailed as the messiah of his people...He was the first to storm the citadel of the Viceroy's Executive Council...Ambedkar put his people on the legislative map of India... He had veritably sprung out of the bowels of the earth and to the earth he seemed to remain loyal. His uncommon energy, superb intelligence, passion for work and courage supplied the real leader to his community. The arrival of the Simon Commission ignited the spark in his public career..."[25] Ambedkar's public career which, for all practical purposes, started in the year 1930, continued with unabated vigour and reached its culmination with the adoption and promulgation of the Constitution of free India in the year

1950—an eventful and worthy period of two decades in the most exciting phase of India's freedom struggle.

Dr. Ambedkar, with his robust intellect, influenced Indian politics during two decades and has left his indelible imprint on every aspect of our national life—law, politics, the Constitution and society as a whole. It may not be too much to claim for him, if we say that his biography is nothing but the history of the struggle for the emancipation of sixty million Untouchables from perpetual degradation and misery. Mr. Nehru, who had great regard for Ambedkar's outstanding abilities, described him as "the symbol of revolt against the most oppressive features of Hindu society".

Dr. Ambedkar's contribution to the evolution of free India lies in his striving for secularising Indian politics, state and society; and his struggle for meting out justice—political, social and economic—to one and all as a humanist. He breathed the spirit of liberalism and nationalism into the lives of not only the Untouchables but of all Indians. But unfortunately his campaigning on behalf of the Untouchables was misunderstood very often and he was dubbed as a sectionalist. Nevertheless, he was a nationalist, democrat and a patriot par excellence. He proved to be a great statesman, besides being a fearless intellectual who was also extraordinarily forthright and outspoken in his views. His courage of conviction was something astounding, which would not bend him down to a compromising of his principles, even for the sake of his people. This explains why he was often found out of tune with the prevailing approach to the country's problems. He was often accused of holding unorthodox views, not because they were wrong, but probably he thought much ahead of his times. Thus he sought to liberate Indian politics from the crippling effects of parochialism, traditionalism and theology. In his capacity as the Chairman of the Drafting Committee of the Constituent Assembly he hammered out a comprehensive and a workable constitution into which he incorporated some of his views, though not all of them. He gave free India its legal frame, and the people the basis of their freedom. By all counts his name will figure prominently in any history of the socio-political and constitutional evolution of India during the final phase of the British rule which ended with the ushering in of

the Sovereign Democratic Republic of India. To this end his contribution was significant, substantial and spectacular.

Harijans would certainly remember him as their saviour. But Indian nationals cannot but admire his legal acumen, sociological insight, and vast constitutional knowledge. He was a rare combination of these abilities. And it is through these faculties of his, he contributed to the political evolution of India, and students of the Indian Constitution are proud of his memorable services to India's Constitution-making. All may not agree with his controversial politics and his political and social ideas. But his solid contribution to the growth of political traditions of India cannot be denied even by his critics. Mahatma Gandhi, who is regarded as the 'father of the Indian nation', came in for criticism not only at the hands of foreign critics, but also at the hands of his own countrymen. Gandhiji's views on methods of attaining independence and on problems such as birth-control, industrialisation etc, were not accepted by some of his own followers A perusal of Nehru's *Autobiography* would confirm these observations. Two epoch-making leaders—Gandhi and Tilak—did not agree on fixing priorities for India Whether political independence should be preceded by social reform or they should come simultaneously was the subject-matter on which Gandhi and Tilak held diametrically opposite views. Hence there is no justification for either discrediting Ambedkar or stoning him for some of the views he candidly advocated. Edmund Burke's views on contemporary problems facing England, such as treatment of the American colonists, the Irish question etc., were not upheld by his countrymen. Coming to our own century, Harold J. Laski's role in British politics and his political and social views were not acceptable to many, including his Party Members. Prime Minister Attlee himself openly clashed with Harold Laski's views on foreign policy and other crucial questions. But both Burke and Laski are ranked as Britain's profound political thinkers and their writings have enriched political literature of the world. Similarly, Ambedkar's role as a politician and his intellectual contribution, have become an integral part of the story of India's political evolution. He did not dominate Indian politics like Gandhi and Nehru, but he did influence important political decisions and his remarkable ability for constructive statesman-

ship manifested spontaneously during the period of Constitution-making. Those who go through the proceedings of the Indian Constituent Assembly cannot but be struck by the astonishing range of Ambedkar's knowledge and capacity for convincing others with facts and arguments. Ambedkar's role as Minister, was no smooth-sailing and he had to cross swords with his colleagues and with the Prime Minister himself and had to resign his Ministership in unfortunate circumstances. Although his exit from Nehru's cabinet was timed to coincide with the first General Elections and was influenced by election strategy, his statement explaining the circumstances of his resignation, would certainly throw a flood of light on the practice of Parliamentary Democracy in India. As a man of action Ambedkar's achievement is by no means small. As a thinker his position is still greater As a man of thought and action, he influenced immensely India's political and constitutional development. Had he devoted more time to more fundamental issues of politics and society, he would have certainly eclipsed many social and political thinkers of the world. But even by his several writings and utterances on Indian problems, from time to time, he has carved out a definite place for himself in the national history of modern India.

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[13] *Ibid.*, p. 38
[14] *Ibid*, p. 38
[15] *Ibid*, p. 38.

[16] *C.A.D*, Vol. XI, p 979

[17] *Keesing's Contemporary Archives*, 1951.

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[21] Related to the author during a discussion with Mr Dhananjay Keer.

[22] *The Times of India* (Bombay), 15th October 1956.

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II

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9 "Small Holdings in India and Their Remedies", *The Journal of the Indian Economics Society*, Vol I, No. 3
10 A talk given by Ambedkar on "Why Indian Labour is Determined to Win this War"
11 "Statement regarding the failure of Gandhi-Jinnah talks"
12 Speech of the Hon'ble The Labour Member (Dr Ambedkar) at a Press Conference on October 30, 1942
13. Maiden Speech in the Central Legislature on "Electorates"
14. "Parliamentary Democracy"—an address by Ambedkar at Poona, *1936*
15. "The Untouchables" (Speech), October 1948.
16 "Indian Constitution" (Speech), November 1948
17. Letters addressed and replies received thereto and speeches delivered from time to time by Dr Ambedkar—from the compilation of Shri Nanak Chand Rattu.
18 Presidential address to the Mumbai Ilakha Prantic Bahishkrita Parishad Adhiveshan, Nipani, 11-12 April, 1925

19. Copies of some three speeches he delivered in Punjab at Ramdaspur, Jullundur on the eve of the First General Elections, October 1951.

III

SELECTED LIST OF PAPERS FROM THE PRIVATE PAPERS OF DR. B. R AMBEDKAR DEPOSITED IN THE LIBRARIES OF BOMBAY UNIVERSITY AND THE SIDDHARTH COLLEGE

(a) *Private Papers in the Bombay University Library*

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2. *All India Scheduled Castes Federation*, memorandum submitted to the Cabinet Mission on 5th April, 1946
3. *Depressed Classes and the Cripps Proposals*, memorandum.
4. *A Critique of the Proposals of the Cabinet Mission for Indian Constitutional Changes in so far as they Affect the Scheduled Castes (Untouchables)*, a pamphlet
5. *Rise and Fall of Hindu Woman and Who is Responsible*, a pamphlet
6. *The Cabinet Mission and the Untouchables* (1946), a pamphlet
7. *The Constitutional Safeguards for the Scheduled Classes*, memorandum submitted to the Advisory Committee of the Constituent Assembly.
8. *Appeal on Behalf of the Depressed Classes Institute*, Bombay, November 1931.
9. *Grievances of the Scheduled Castes*, memorandum submitted to His Excellency, the Governor-General on 29th October 1942.
10. Addresses presented by his followers
11. Correspondence regarding the supply of information for the biography of Dr. Ambedkar
12. *Statement concerning the safeguards for the protection of the interests of the Depressed Classes as a minority in the Bombay Presidency and the changes in the composition of and the guarantees from the Bombay Legislative Council necessary to ensure the same under Provincial autonomy*—submitted to the Indian Statutory Commission on 29th May, 1928.
13. Memorandum submitted to Pandit Jawaharlal Nehru, by some followers of Dr. Ambedkar, demanding an inquiry into his death, Bombay, 20-1-1957
14. Copies of testimonials by Professors Edwin Cannan and R. A. Seligman.
15. Ambedkar's appointment for a post in the Government Law College, Bombay.
16. Copy of the Agreement and terms with the ruler of Baroda for scholarships etc.

(b) *Private Papers at Siddharth College Library, Bombay*

The Library has a number of desk notebooks, cards etc, containing study notes of Dr. Ambedkar on several problems like the 'Shudras'; 'Provincial Finances in India'; 'Jurisprudence', 'Election Laws'; 'Writs' etc. There are also files and notebooks, 'Council notes'; 'Draft Resolution for Scheduled Castes' Federation'; correspondence with the Indian Institute of International Affairs, New Delhi; correspondence with the members of the Cabinet Mission and with Prime Minister Attlee, Mr Churchill and other Conservative M P s (copies of letters and cables); notes (elaborate) on Hindu Code Bill, the constitution and standing orders of the Labour Party (typed), correspondence between Mr M K Gandhi and Mr P N Rajbhoj, draft summary for the Cabinet on the proposed legislation to deal with treason and treachery (secret); five chapters (typed) dealing with the problem of democracy, ending with the aims and objects of the 'Republican Party' (it is an address he has delivered sometime in 1955). and "Ambedkar the Untouchable", an article by Blake Clark—the typed manuscript is in one of the files of the Siddharth College Library.

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